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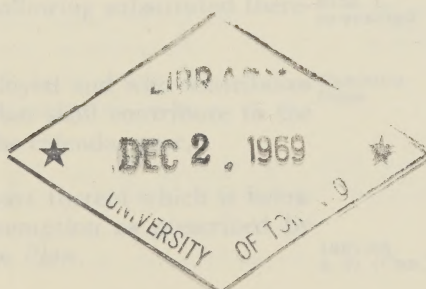
BILL 227

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

79

An Act to amend The Teachers' Superannuation Act

MR. DAVIS



EXPLANATORY NOTES

GENERAL—The purpose of this Bill is to bring the Act into line with new Canada-Ontario arrangements for the collection of contributions to the Canada Pension Plan.

SECTION 1. See general explanatory note.

SECTION 2—Subsection 1. See general explanatory note.

BILL 227

1968-69

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of subsection 1 of section 17 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 392, s. 17,
subs. 1, cl. *d*,
subcl. ii,
re-enacted

- (ii) to pay monthly to the Commission a sum equal to the sum required to be paid under section 19 for those persons on its teaching staff who are contributors to the Fund under this section together with a sum calculated thereon at a rate equal to the rate of the contributions made from time to time to the Fund by the Province under section 23,

2.—(1) Subsection 1 of section 18 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 392, s. 18,
subs. 1,
re-enacted

- (1) Every person who is employed and who contributes to the Canada Pension Plan shall contribute to the Fund from his salary for the calendar year,

Contributions

- (a) 6 per cent of the part thereof which is below the year's basic exemption as prescribed by the *Canada Pension Plan*;

1964-65,
c. 51 (Can.)

- (b) 4.2 per cent of the part thereof which is between the year's basic exemption and the year's maximum pensionable earnings as prescribed by the *Canada Pension Plan*; and

- (c) 6 per cent of the part thereof which is in excess of the year's maximum pensionable earnings.

Idem

- (1a) Every person who is employed and who does not contribute to the Canada Pension Plan shall contribute to the Fund 6 per cent of his salary.

R.S.O. 1960,
c. 392, s. 18,
subs. 2,
amended

- (2) Subsection 2 of the said section 18 is amended by striking out "\$1,000" in the first line and in the third line and inserting in lieu thereof in each instance "\$2,000", so that the subsection shall read as follows:

Salaries
under
\$2,000

- (2) Where the annual rate of salary is less than \$2,000, it shall, for the purposes of this section, be deemed to be at the annual rate of \$2,000.

R.S.O. 1960,
c. 392, s. 18,
subs. 5
(1966, c. 152,
s. 8),
repealed

- (3) Subsection 5 of the said section 18, as enacted by section 8 of *The Teachers' Superannuation Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 392, s. 19,
re-enacted

- 3.** Section 19 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Contri-
butions to be
deducted

- 19.—(1) Contributions shall be deducted by the board or other authority employing the person from each payment of his salary and shall be forwarded to the Commission on or before the fifteenth day of the month following the month in which the payment was made.

Interest

- (2) Notwithstanding clause *b* of section 11, interest shall be payable by the board or other authority on any sum in arrears under subsection 1.

Report of
contri-
butions

- (3) Every board and other authority shall report to the Commission from time to time as required by the Commission, but not more often than once a month, as to the contributions deducted.

R.S.O. 1960,
c. 392, s. 24,
amended

- 4.** Section 24 of *The Teachers' Superannuation Act* is amended by striking out "subsection 1 of section 19 and" in the second line and by striking out "at the rate of 4 per cent" in the fifth line, so that the section shall read as follows:

Interest

24. All sums placed to the credit of the Fund during a fiscal year under section 23 shall be deemed to have been credited as of the 1st day of June in the preceding fiscal year, and the Treasurer shall pay interest thereon for the period between that day and the last day of the fiscal year in which the sums were actually received.

Subsection 2. The minimum salary from which contributions must be paid is increased from \$1,000 to \$2,000.

SECTION 3. See general explanatory note.

SECTION 4. The interest rate on the Province's contributions is raised from 4 per cent to 5 per cent.

SECTION 5. The provision repealed is obsolete.

SECTION 6. The scope of the section is broadened in order to bring it into line with *The Pension Benefits Act, 1965* with respect to portability.

SECTION 7. This substantive provision is designed to enable the current year to be completed under the former arrangements.

SECTION 8. The new Canada-Ontario arrangements became effective on January 1st, 1969.

5. Section 24a of *The Teachers' Superannuation Act*, as enacted by section 10 of *The Teachers' Superannuation Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 392, s. 24a (1966, c. 152, s. 10), repealed

6. Section 60 of *The Teachers' Superannuation Act*, as enacted by section 4 of *The Teachers' Superannuation Amendment Act, 1967*, is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 60 (1967, c. 99, s. 4), re-enacted

60. Subject to the approval of the Lieutenant Governor in Council, the Commission may enter into agreements with the authorized representatives of any other pension fund respecting the terms and conditions upon which persons may transfer to or from the Fund from or to the other pension fund. Transfer agreements

7. The deductions from the total legislative grant payable to a board or other authority in respect of contributions for the year 1968 and the payment of interest in respect of the year 1968 shall be made and paid as if this Act had not been passed. 1968 cycle to be completed

8. This Act shall be deemed to have come into force on the 1st day of January, 1969. Commencement

9. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1968-69*. Short title

An Act to amend
The Teachers' Superannuation Act

1st Reading

November 20th, 1969

2nd Reading

3rd Reading

MR. DAVIS

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BILL 227

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Teachers' Superannuation Act

MR. DAVIS

BILL 227

1968-69

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of subsection 1 of section 17 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 392, s. 17,
subs. 1, cl. *d*,
subcl. ii,
re-enacted

- (ii) to pay monthly to the Commission a sum equal to the sum required to be paid under section 19 for those persons on its teaching staff who are contributors to the Fund under this section together with a sum calculated thereon at a rate equal to the rate of the contributions made from time to time to the Fund by the Province under section 23,

2.—(1) Subsection 1 of section 18 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 392, s. 18,
subs. 1,
re-enacted

- (1) Every person who is employed and who contributes to the Canada Pension Plan shall contribute to the Fund from his salary for the calendar year,

Contributions

- (a) 6 per cent of the part thereof which is below the year's basic exemption as prescribed by the *Canada Pension Plan*;

1964-65,
c. 51 (Can.)

- (b) 4.2 per cent of the part thereof which is between the year's basic exemption and the year's maximum pensionable earnings as prescribed by the *Canada Pension Plan*; and

- (c) 6 per cent of the part thereof which is in excess of the year's maximum pensionable earnings.

Idem

- (1a) Every person who is employed and who does not contribute to the Canada Pension Plan shall contribute to the Fund 6 per cent of his salary.

R.S.O. 1960,
c. 392, s. 18,
subs. 2,
amended

- (2) Subsection 2 of the said section 18 is amended by striking out "\$1,000" in the first line and in the third line and inserting in lieu thereof in each instance "\$2,000", so that the subsection shall read as follows:

Salaries
under
\$2,000

- (2) Where the annual rate of salary is less than \$2,000, it shall, for the purposes of this section, be deemed to be at the annual rate of \$2,000.

R.S.O. 1960,
c. 392, s. 18,
subs. 5
(1966, c. 152,
s. 8),
repealed

- (3) Subsection 5 of the said section 18, as enacted by section 8 of *The Teachers' Superannuation Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 392, s. 19,
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- 3.** Section 19 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Contri-
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- 19.—(1) Contributions shall be deducted by the board or other authority employing the person from each payment of his salary and shall be forwarded to the Commission on or before the fifteenth day of the month following the month in which the payment was made.

Interest

- (2) Notwithstanding clause *b* of section 11, interest shall be payable by the board or other authority on any sum in arrears under subsection 1.

Report of
contri-
butions

- (3) Every board and other authority shall report to the Commission from time to time as required by the Commission, but not more often than once a month, as to the contributions deducted.

R.S.O. 1960,
c. 392, s. 24,
amended

- 4.** Section 24 of *The Teachers' Superannuation Act* is amended by striking out "subsection 1 of section 19 and" in the second line and by striking out "at the rate of 4 per cent" in the fifth line, so that the section shall read as follows:

Interest

24. All sums placed to the credit of the Fund during a fiscal year under section 23 shall be deemed to have been credited as of the 1st day of June in the preceding fiscal year, and the Treasurer shall pay interest thereon for the period between that day and the last day of the fiscal year in which the sums were actually received.

5. Section 24a of *The Teachers' Superannuation Act*, as enacted by section 10 of *The Teachers' Superannuation Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 392, s. 24 a (1966, c. 152, s. 10), repealed

6. Section 60 of *The Teachers' Superannuation Act*, as enacted by section 4 of *The Teachers' Superannuation Amendment Act, 1967*, is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 60 (1967, c. 99, s. 4), re-enacted

60. Subject to the approval of the Lieutenant Governor in Council, the Commission may enter into agreements with the authorized representatives of any other pension fund respecting the terms and conditions upon which persons may transfer to or from the Fund from or to the other pension fund. Transfer agreements

7. The deductions from the total legislative grant payable to a board or other authority in respect of contributions for the year 1968 and the payment of interest in respect of the year 1968 shall be made and paid as if this Act had not been passed. 1968 cycle to be completed

8. This Act shall be deemed to have come into force on the 1st day of January, 1969. Commencement

9. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1968-69*. Short title

An Act to amend
The Teachers' Superannuation Act

1st Reading

November 20th, 1969

2nd Reading

November 26th, 1969

3rd Reading

December 2nd, 1969

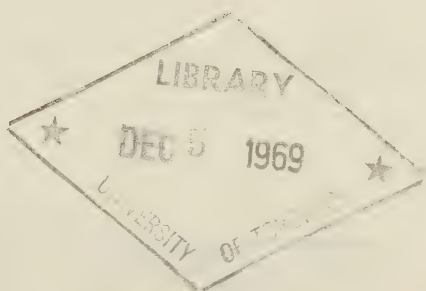
MR. DAVIS



2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Department of Education Act

MR. DAVIS



EXPLANATORY NOTES

SECTION 1. The definition is amended as there are no longer any continuation school boards.

SECTION 2—Subsection 1. This amendment deletes the reference to the calculation of the legislative grants and refers only to the recording of attendance, as the calculation of grants is not the only purpose for which such days are added to aggregate attendance.

Subsection 2. This amendment authorizes the Minister to require municipally proclaimed holidays, days upon which the schools are closed under *The Emergency Measures Act* or *The Public Health Act* or this Act or the regulations, days approved for a teachers' institute or conference and days appointed as public holidays by the Governor General or Lieutenant Governor other than Thanksgiving Day to be included in the number of days attendance added under this section.

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Department of Education Act* is amended by striking out "continuation school board" in the second line, so that the clause shall read as follows: R.S.O. 1960,
c. 94, s. 1,
cl. *a*,
amended

(a) "board" means public school board, separate school board, high school board or board of education.

2.—(1) Section 5 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act, 1964* and section 1 of *The Department of Education Amendment Act, 1966*, is further amended by striking out "calculating legislative grants, the Minister may add" in the first and second lines, and inserting in lieu thereof "recording attendance, the Minister may require to be added", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 94, s. 5,
amended

5. For the purpose of recording attendance, the Minister may require to be added to the actual aggregate attendance of a school the number of days attendance lost by pupils, Credits for
attendance
in special
cases

(2) The said section 5 is further amended by adding "or" at the end of clause *e* and by adding thereto the following clause: R.S.O. 1960,
c. 94, s. 5,
amended

(f) who were absent from school because of the school holidays referred to in paragraphs 2, 3, 4 and 5 of section 4 of *The Schools Administration Act* except the holiday appointed by the Governor General as Thanksgiving Day. R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 94, s. 11,
subs. 1, cl. c,
re-enacted

3. Clause *c* of subsection 1 of section 11 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

- (c) grant a temporary or interim certificate of qualification as a teacher to a person who is a Canadian citizen or a landed immigrant and who is otherwise qualified.

R.S.O. 1960,
c. 94, s. 12,
subs. 3,
amended

4.—(1) Subsection 3 of section 12 of *The Department of Education Act* is amended by adding thereto the following clause:

- (d) governing estimates that a board is required to prepare and adopt and expenditures that may be made by a board for any purpose.

R.S.O. 1960,
c. 94, s. 12,
subs. 4, cl. c,
amended

(2) Clause *c* of subsection 4 of the said section 12 is amended by striking out “and” at the end of subclause iii and by adding thereto the following subclauses:

- (v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees, for such territory without municipal organization, and
- (vi) where territory without municipal organization is within the jurisdiction of two boards, such boards to appoint, with the approval of the Minister, a joint recreation committee for such territory without municipal organization as may be agreed upon by the two boards,

R.S.O. 1960,
c. 94, s. 14a
(1965, c. 28,
s. 1), subs. 7,
amended

5. Subsection 7 of section 14a of *The Department of Education Act*, as enacted by section 1 of *The Department of Education Amendment Act, 1965*, is amended by adding thereto the following clause:

- (ha) providing for the payment of a *per diem* allowance to the chairman and to the members of the Ontario Council of Regents for Colleges of Applied Arts and Technology.

Commence-
ment

6.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

SECTION 3. This amendment will permit a landed immigrant to obtain a temporary or interim teaching certificate without having to file the declaration of intention to become a Canadian citizen which is no longer required under the *Canadian Citizenship Act*.

SECTION 4—Subsection 1. The amendment authorizes regulations to be made governing school board estimates and expenditures for any purpose.

Subsection 2. The new subclauses provide for the appointment of recreation committees for territory without municipal organization.

SECTION 5. The amendment provides for the payment of a *per diem* allowance to the chairman and members of the Ontario Council of Regents for Colleges of Applied Arts and Technology.

(2) Sections 2 and 3 shall be deemed to have come into ^{Idem} force on the 1st day of July, 1969.

7. This Act may be cited as *The Department of Education* ^{Short title}
Amendment Act, 1968-69.

An Act to amend
The Department of Education Act

1st Reading

November 20th, 1969

2nd Reading

3rd Reading

MR. DAVIS

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BILL 228

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Department of Education Act

MR. DAVIS

BILL 228

1968-69

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Department of Education Act* is amended by striking out "continuation school board" in the second line, so that the clause shall read as follows: R.S.O. 1960,
c. 94, s. 1,
cl. *a*,
amended.

(a) "board" means public school board, separate school board, high school board or board of education.

2.—(1) Section 5 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act, 1964* and section 1 of *The Department of Education Amendment Act, 1966*, is further amended by striking out "calculating legislative grants, the Minister may add" in the first and second lines, and inserting in lieu thereof "recording attendance, the Minister may require to be added", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 94, s. 5,
amended.

5. For the purpose of recording attendance, the Minister may require to be added to the actual aggregate attendance of a school the number of days attendance lost by pupils, Credits for
attendance
in special
cases

(2) The said section 5 is further amended by adding "or" at the end of clause *e* and by adding thereto the following clause: R.S.O. 1960,
c. 94, s. 5,
amended.

(f) who were absent from school because of the school holidays referred to in paragraphs 2, 3, 4 and 5 of section 4 of *The Schools Administration Act* except the holiday appointed by the Governor General as Thanksgiving Day. R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 94, s. 11,
subs. 1, cl. c,
re-enacted

3. Clause *c* of subsection 1 of section 11 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

- (c) grant a temporary or interim certificate of qualification as a teacher to a person who is a Canadian citizen or a landed immigrant and who is otherwise qualified.

R.S.O. 1960,
c. 94, s. 12,
subs. 3,
amended

4.—(1) Subsection 3 of section 12 of *The Department of Education Act* is amended by adding thereto the following clause:

- (d) governing estimates that a board is required to prepare and adopt and expenditures that may be made by a board for any purpose.

R.S.O. 1960,
c. 94, s. 12,
subs. 4, cl. c,
amended

(2) Clause *c* of subsection 4 of the said section 12 is amended by striking out "and" at the end of subclause iii and by adding thereto the following subclauses:

- (v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees, for such territory without municipal organization, and
- (vi) where territory without municipal organization is within the jurisdiction of two boards, such boards to appoint, with the approval of the Minister, a joint recreation committee for such territory without municipal organization as may be agreed upon by the two boards,

R.S.O. 1960,
c. 94, s. 14a
(1965, c. 28,
s. 1), subs. 7,
amended

5. Subsection 7 of section 14a of *The Department of Education Act*, as enacted by section 1 of *The Department of Education Amendment Act, 1965*, is amended by adding thereto the following clause:

- (ha) providing for the payment of a *per diem* allowance to the chairman and to the members of the Ontario Council of Regents for Colleges of Applied Arts and Technology.

Commence-
ment

6.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

(2) Sections 2 and 3 shall be deemed to have come into **Idem** force on the 1st day of July, 1969.

7. This Act may be cited as *The Department of Education* **Short title**
Amendment Act, 1968-69.

An Act to amend
The Department of Education Act

1st Reading

November 20th, 1969

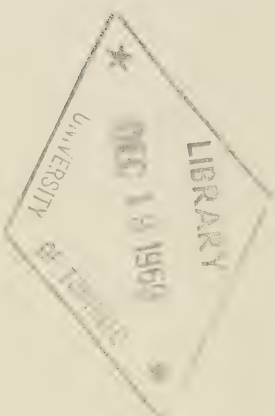
2nd Reading

November 26th, 1969

3rd Reading

December 2nd, 1969

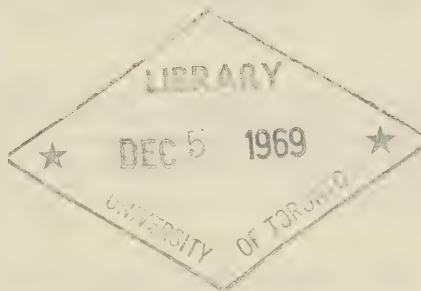
MR. DAVIS



2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Highway Improvement Act

Mr. GOMME



EXPLANATORY NOTES

SECTION 1. The amendment increases the subsidies payable to cities and separated towns for road improvement from $33\frac{1}{3}$ per cent to 50 per cent of the expenditure.

SECTION 2—Subsection 1. The amendments make the provisions respecting subsidies for subways applicable to the extension of the Yonge Street subway from Sheppard Avenue to Finch Avenue and the rapid transit facilities on the Spadina Expressway.

Subsection 2. The amendment increases the subway construction grants from $33\frac{1}{3}$ per cent to 50 per cent of the expenditure.

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 83 of *The Highway Improvement Act* ^{R.S.O. 1960, c. 171, s. 83, subs. 2, amended} is amended by striking out clauses *a* and *b* and inserting in lieu thereof "50 per cent", so that the subsection shall read as follows:

- (2) Upon the receipt of the statement, declarations and ^{Payment of subsidy} petition, the Minister may direct payment to the treasurer of the municipality out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final.

2.—(1) Clause *b* of subsection 1 of section 91*a* of *The Highway Improvement Act*, as re-enacted by section 6 of *The Highway Improvement Amendment Act, 1967*, is amended by ^{R.S.O. 1960, c. 171, s. 91*a*, subs. 1, cl. *b*, (1962-63, c. 34, s. 6), amended} striking out "and" at the end of subclause *i* and by adding thereto the following subclauses:

- (iii) the extension of the Yonge Street Subway from Sheppard Avenue to Finch Avenue, and
- (iv) the Spadina Expressway rapid transit facilities.

(2) Subsection 5 of the said section 91*a*, as enacted by ^{R.S.O. 1960, c. 171, s. 91*a*, (1962-63, c. 55, s. 17), subs. 5, amended} section 17 of *The Highway Improvement Amendment Act, 1962-63*, is amended by striking out "33 $\frac{1}{3}$ " in the sixth line and inserting in lieu thereof "50", so that the subsection shall read as follows:

- (5) Upon receipt of the statement, declarations and ^{Power to make grant} petition and the approval thereof by the proper officer of the Department, the Minister may direct

payment to the treasurer of the Metropolitan Corporation out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the expenditure, and in all cases of doubt or dispute the decision of the Minister is final.

Application
of subs. 2

(3) Subsection 5 of section 91a of *The Highway Improvement Act*, as amended by subsection 2, applies only to expenditures in respect of work carried out on or after the 1st day of January, 1970.

Commence-
ment

3. This Act comes into force on the 1st day of January, 1970.

Short title

4. This Act may be cited as *The Highway Improvement Amendment Act, 1968-69*.

An Act to amend
The Highway Improvement Act

1st Reading

November 20th, 1969

2nd Reading

3rd Reading

MR. GOMME

BILL 229

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Highway Improvement Act

MR. GOMME

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 229

1968-69

An Act to amend The Highway Improvement Act

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1. Subsection 2 of section 83 of *The Highway Improvement Act* is amended by striking out clauses *a* and *b* and inserting in lieu thereof "50 per cent", so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 83, subs. 2, amended

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the treasurer of the municipality out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. Payment of subsidy

2.—(1) Clause *b* of subsection 1 of section 91*a* of *The Highway Improvement Act*, as re-enacted by section 6 of *The Highway Improvement Amendment Act, 1967*, is amended by striking out "and" at the end of subclause *i* and by adding thereto the following subclauses: R.S.O. 1960, c. 171, s. 91*a*, subs. 1, cl. *b* (1962-63, c. 55, s. 17), subs. 5, amended

(iii) the extension of the Yonge Street Subway from Sheppard Avenue to Finch Avenue, and

(iv) the Spadina Expressway rapid transit facilities.

(2) Subsection 5 of the said section 91*a*, as enacted by section 17 of *The Highway Improvement Amendment Act, 1962-63*, is amended by striking out "33 $\frac{1}{3}$ " in the sixth line and inserting in lieu thereof "50", so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 91*a*, (1962-63, c. 55, s. 17), subs. 5, amended

(5) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct Power to make grant

payment to the treasurer of the Metropolitan Corporation out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the expenditure, and in all cases of doubt or dispute the decision of the Minister is final.

Application of subs. 2 (3) Subsection 5 of section 91*a* of *The Highway Improvement Act*, as amended by subsection 2, applies only to expenditures in respect of work carried out on or after the 1st day of January, 1970.

Commencement 3. This Act comes into force on the 1st day of January, 1970.

Short title 4. This Act may be cited as *The Highway Improvement Amendment Act, 1968-69*.

An Act to amend
The Highway Improvement Act

1st Reading

November 20th, 1969

Government
Publications

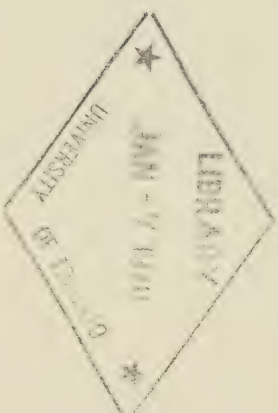
2nd Reading

November 26th, 1969

3rd Reading

December 17th, 1969

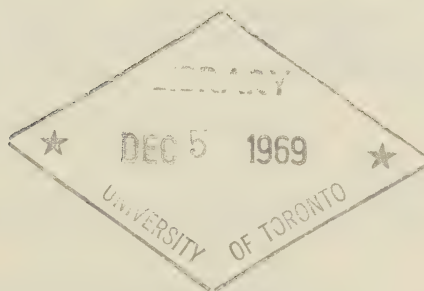
MR. GOMME



2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to incorporate
The Toronto Hospitals Steam Corporation**

MR. WELLS



EXPLANATORY NOTE

The Bill incorporates a corporation composed of nominees of the Toronto General Hospital, The Hospital for Sick Children, New Mount Sinai Hospital and Women's College Hospital to operate a steam plant to supply steam to those hospitals.

BILL 230

1968-69

An Act to incorporate The Toronto Hospitals Steam Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Commission" means the Ontario Hospital Services Commission;
- (c) "Corporation" means the Toronto Hospitals Steam Corporation;
- (d) "debentures" includes bonds, notes and other securities;
- (e) "Minister" means the Minister of Health or such other member of the Executive Council as the Lieutenant Governor in Council designates.

2. There is hereby created a corporation without share capital under the name "Toronto Hospitals Steam Corporation" consisting of eight directors of whom,

Toronto
Hospitals
Steam
Corporation
incorporated

- (a) two directors shall be appointed by The Trustees of the Toronto General Hospital;
- (b) two directors shall be appointed by The Hospital for Sick Children;
- (c) two directors shall be appointed by New Mount Sinai Hospital; and
- (d) two directors shall be appointed by Women's College Hospital.

First
appoint-
ments

3.—(1) The first appointments of directors under section 2 shall be made within thirty days after the day this Act comes into force.

Term of
office

(2) Every person appointed to the Board shall hold office during the pleasure of his appointor, and upon the death, resignation or removal from office of any director, the appointor of such director under section 2 may appoint some other person in his place.

President

(3) The directors shall elect a president of the Corporation from among themselves.

Duties of
president

(4) The president shall preside at all meetings of the Board.

Idem

(5) In the case of an equality of votes at any meeting of the Board, the president, in addition to his original vote, shall have a second or casting vote.

Vice-
president

(6) The Board may appoint one of its members to be vice-president, and, in the case of the absence of the president or of there being a vacancy in the office of the president, the vice-president shall act as and have all the powers of the president.

Remuner-
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expenses

(7) The directors shall serve as such without remuneration and no director shall, directly or indirectly, receive any profit from his position as such, but a director may be paid reasonable expenses incurred by him in the performance of his duties.

Vacancies

(8) Where there is a vacancy or vacancies in the Board, the remaining directors may exercise all the powers of the Board so long as a quorum of the Board remains in office.

Validity
of acts of
directors,
etc.

4. The acts of a director or of an officer are valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

Director
indemnified
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5. Every director and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Board, from time to time and at all times, be indemnified and saved harmless out of the funds of the Corporation, from and against,

(a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action or proceeding that is proposed or commenced against

him, for or in respect of anything done or permitted by him, in respect of the execution of the duties of his office; and

- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the Corporation, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

6.—(1) The Board may authorize the election from among the directors of an executive committee consisting of not fewer than three members, and delegate to the executive committee any powers of the Board, subject to the restrictions, if any, imposed by the Board. Executive committee

(2) An executive committee may fix its quorum at not fewer than a majority of its members and may make rules governing its proceedings. Quorum

7.—(1) The Board has the management and control of the affairs of the Corporation and has power to make by-laws, not contrary to law or the provisions of this Act, governing its proceedings and the calling of and the quorum at meetings of the Board, providing for the appointment of other officers of the Corporation, specifying the powers, duties and remuneration of officers, employees and agents of the Corporation and generally dealing with the management of the affairs of the Corporation. Powers and duties of Board

(2) The Corporation shall pass, amend or revise its by-laws as required by the Commission after receiving notice to do so. Changes required by Commission

(3) No by-law or amendment to or revision of a by-law has any force or effect until it is approved by the Lieutenant Governor in Council upon the recommendation to the Minister by the Commission. Approval by Commission

8. A copy of any by-law, resolution or minute certified by the secretary or assistant secretary under the seal of the Corporation to be a true copy may be received in evidence in any court as *prima facie* proof of its making and content. Authentication of by-laws, etc.

9.—(1) *The Corporations Act, The Municipal Franchises Act, The Charities Accounting Act and The Mortmain and Charitable Uses Act* do not apply to the Corporation. Application of R.S.O. 1960, cc. 71, 255, 52, 246

(2) Sections 55 and 58 of *The Public Utilities Act* do not apply to the Corporation. Application of R.S.O. 1960, c. 335, ss. 55, 58

Hospital
lands leased
to Corpor-
ation

R.S.O. 1960,
c. 246

(3) Any lands owned by a hospital referred to in section 2 and leased to the Corporation shall be deemed to be land necessary for the actual use and occupation of the hospital and *The Mortmain and Charitable Uses Act* does not apply in respect of such lands.

Objects

10.—(1) The objects of the Corporation are and the Corporation has power to construct or otherwise acquire, own, maintain, operate and manage a steam plant and distribution system within the City of Toronto for the purpose of supplying steam to the public hospitals referred to in section 2 and to any other charitable, educational or public institution, but any agreement entered into by the Corporation for the supply of steam to any such hospital or institution is subject to the approval of the Commission.

Charitable
purposes

(2) The objects of the Corporation shall be deemed to be exclusively for charitable purposes.

Powers

11. The powers of the Corporation include, without limiting the generality of section 10,

- (a) the powers conferred on a company incorporated for the purpose of supplying a public utility and a corporation owning or operating a public utility under *The Public Utilities Act*;
- (b) power to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, warrants and other negotiable or transferable instruments;
- (c) power to acquire by purchase, lease or otherwise and to hold and enjoy any property or interest therein whatsoever, whether real or personal, and to sell, grant, convey, assign, transfer, lease, mortgage, charge, pledge or otherwise dispose of or encumber any such property or interest or any part thereof from time to time as the occasion may require, and to acquire other property or interest therein, in addition thereto or in place thereof;
- (d) power to enter into any agreement or arrangement with any person for the management in whole or in part of its undertaking;
- (e) power to invest and deal with the moneys of the Corporation not immediately required for its objects in such manner as may be determined;

R.S.O. 1960,
c. 335.

- (f) power to pay all costs and expenses of or incidental to the creation and organization of the Corporation, and to pay or reimburse any of the public hospitals referred to in section 2 for all costs and expenses incurred by them or any of them at any time prior to the creation of the Corporation in connection with the establishment of a central hospital steam plant;
- (g) power to do any of the above things and all things authorized as principal, agent, contractor, trustee or otherwise, and either alone or in conjunction with others.

12.—(1) The Corporation may from time to time for any ^{Borrowing} of the purposes of the Corporation borrow by way of loan from any chartered bank or from any person such sums as the Corporation considers necessary, either by way of bank overdraft or by loan in any other manner with the approval of the Commission.

(2) Any cheques, promissory notes or other instruments ^{Execution of cheques, etc.} that may be necessary or desirable for the purpose of subsection 1 may be executed in such manner as the Board may determine.

13.—(1) Subject to the approval of the Lieutenant Gov- ^{Issue of debentures} ernor in Council upon the recommendation to the Minister by the Commission, the Board may authorize the borrowing from time to time by the issue and sale of debentures of the Corporation of such sums of money as the Board considers necessary for any of the purposes of the Corporation, and may mortgage, charge, pledge and otherwise encumber all or any part of the property of the Corporation, whether real or personal, present or future, including its book debts, rights, powers, franchises and undertaking, to secure any such debentures.

(2) The debentures of the Corporation may bear interest at ^{Terms of debentures} such rate or rates and may be payable as to principal and interest in such currency or currencies and at such place or places in Canada or elsewhere and at such time or times and in such manner as the Corporation may determine, and any such securities may be made redeemable in advance of their regular maturity date at such time or times, at such price or prices and on such terms and conditions as may be provided in the by-law or resolution of the Board authorizing the issue thereof.

(3) Subject to the approval of the Lieutenant Governor ^{Sale of debentures} in Council upon the recommendation to the Minister by the Commission, the Corporation may sell or otherwise dispose

An Act to incorporate
The Toronto Hospitals Steam Corporation

1st Reading

November 20th, 1969

2nd Reading

3rd Reading

MR. WELLS

3
56
BILL 230

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to incorporate
The Toronto Hospitals Steam Corporation**

MR. WELLS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill incorporates a corporation composed of nominees of the Toronto General Hospital, The Hospital for Sick Children, New Mount Sinai Hospital and Women's College Hospital to operate a steam plant to supply steam to those hospitals.

BILL 230

1968-69

An Act to incorporate The Toronto Hospitals Steam Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Commission" means the Ontario Hospital Services Commission;
- (c) "Corporation" means the Toronto Hospitals Steam Corporation;
- (d) "debentures" includes bonds, notes and other securities;
- (e) "Minister" means the Minister of Health or such other member of the Executive Council as the Lieutenant Governor in Council designates.

2. There is hereby created a corporation without share capital under the name "Toronto Hospitals Steam Corporation" consisting of eight directors of whom,

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Incorporated

- (a) two directors shall be appointed by The Trustees of the Toronto General Hospital;
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(3) The directors shall elect a president of the Corporation from among themselves.

Duties of
president

(4) The president shall preside at all meetings of the Board.

Idem

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Vacancies

(8) Where there is a vacancy or vacancies in the Board, the remaining directors may exercise all the powers of the Board so long as a quorum of the Board remains in office.

Validity
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4. The acts of a director or of an officer are valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

Director
indemnified
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5. Every director and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Board, from time to time and at all times, be indemnified and saved harmless out of the funds of the Corporation, from and against,

(a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action or proceeding that is proposed or commenced against

him, for or in respect of anything done or permitted by him, in respect of the execution of the duties of his office; and

- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the Corporation, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

6.—(1) The Board may authorize the election from among ^{Executive committee} the directors of an executive committee consisting of not fewer than three members, and delegate to the executive committee any powers of the Board, subject to the restrictions, if any, imposed by the Board.

(2) An executive committee may fix its quorum at not ^{Quorum} fewer than a majority of its members and may make rules governing its proceedings.

7.—(1) The Board has the management and control of the ^{Powers and duties of Board} affairs of the Corporation and has power to make by-laws, not contrary to law or the provisions of this Act, governing its proceedings and the calling of and the quorum at meetings of the Board, providing for the appointment of other officers of the Corporation, specifying the powers, duties and remuneration of officers, employees and agents of the Corporation and generally dealing with the management of the affairs of the Corporation.

(2) The Corporation shall pass, amend or revise its by-laws ^{Changes required by Commission} as required by the Commission after receiving notice to do so.

(3) No by-law or amendment to or revision of a by-law has ^{Approval by Commission} any force or effect until it is approved by the Lieutenant Governor in Council upon the recommendation to the Minister by the Commission.

8. A copy of any by-law, resolution or minute certified ^{Authentication of by-laws, etc.} by the secretary or assistant secretary under the seal of the Corporation to be a true copy may be received in evidence in any court as *prima facie* proof of its making and content.

9.—(1) *The Corporations Act, The Municipal Franchises Act, The Charities Accounting Act and The Mortmain and Charitable Uses Act* do not apply to the Corporation. ^{Application of R.S.O. 1960, cc. 71, 255, 52, 246}

(2) Sections 55 and 58 of *The Public Utilities Act* do not apply to the Corporation.

Hospital
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R.S.O. 1960,
c. 246

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Objects

10.—(1) The objects of the Corporation are and the Corporation has power to construct or otherwise acquire, own, maintain, operate and manage a steam plant and distribution system within the City of Toronto for the purpose of supplying steam to the public hospitals referred to in section 2 and to any other charitable, educational or public institution, but any agreement entered into by the Corporation for the supply of steam to any such hospital or institution is subject to the approval of the Commission.

Charitable
purposes

(2) The objects of the Corporation shall be deemed to be exclusively for charitable purposes.

Powers

11. The powers of the Corporation include, without limiting the generality of section 10,



(a) subject to subsection 2 of section 9, the powers conferred on a company incorporated for the purpose of owning, operating or supplying a public utility under *The Public Utilities Act*, provided,

R.S.O. 1960,
c. 335

(i) the Corporation shall notify in writing the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any highway, public lane or public communication on, over, under or across which the Corporation proposes to put down, place, install and maintain conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works, and submit to such municipalities or authorities its plans therefor,

(ii) such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as the Corporation deems necessary or desirable on, over, under or across any public highway, public lane or public communication shall be put down, placed and installed in such location and manner as the municipality or authority on which duty to repair has been

imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication may direct any such highway, lane or public communication restored to its former state, and any dispute between the Corporation and such municipalities or authorities as to the location and manner of putting down, placing and installing shall be referred to the Ontario Municipal Board to be determined, and the decision of the Ontario Municipal Board shall be final,

- (iii) the Corporation shall indemnify and save harmless the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication against, from and for any and all damages, claims, losses, costs and expenses sustained or incurred by reason of the negligent use, operation, maintenance, installation, placing and putting down of the conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works by the Corporation, its agents, servants, employees, contractors and subcontractors;
- (b) power to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, warrants and other negotiable or transferable instruments;
- (c) power to acquire by purchase, lease or otherwise and to hold and enjoy any property or interest therein whatsoever, whether real or personal, and to sell, grant, convey, assign, transfer, lease, mortgage, charge, pledge or otherwise dispose of or encumber any such property or interest or any part thereof from time to time as the occasion may require, and to acquire other property or interest therein, in addition thereto or in place thereof;
- (d) power to enter into any agreement or arrangement with any person for the management in whole or in part of its undertaking;
- (e) power to invest and deal with the moneys of the Corporation not immediately required for its objects in such manner as may be determined;

- (f) power to pay all costs and expenses of or incidental to the creation and organization of the Corporation, and to pay or reimburse any of the public hospitals referred to in section 2 for all costs and expenses incurred by them or any of them at any time prior to the creation of the Corporation in connection with the establishment of a central hospital steam plant;
- (g) power to do any of the above things and all things authorized as principal, agent, contractor, trustee or otherwise, and either alone or in conjunction with others.

Borrowing

12.—(1) The Corporation may from time to time for any of the purposes of the Corporation borrow by way of loan from any chartered bank or from any person such sums as the Corporation considers necessary, either by way of bank overdraft or by loan in any other manner with the approval of the Commission.

**Execution of
cheques, etc.**

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable for the purpose of subsection 1 may be executed in such manner as the Board may determine.

**Issue of
debentures**

13.—(1) Subject to the approval of the Lieutenant Governor in Council upon the recommendation to the Minister by the Commission, the Board may authorize the borrowing from time to time by the issue and sale of debentures of the Corporation of such sums of money as the Board considers necessary for any of the purposes of the Corporation, and may mortgage, charge, pledge and otherwise encumber all or any part of the property of the Corporation, whether real or personal, present or future, including its book debts, rights, powers, franchises and undertaking, to secure any such debentures.

**Terms of
debentures**

(2) The debentures of the Corporation may bear interest at such rate or rates and may be payable as to principal and interest in such currency or currencies and at such place or places in Canada or elsewhere and at such time or times and in such manner as the Corporation may determine, and any such securities may be made redeemable in advance of their regular maturity date at such time or times, at such price or prices and on such terms and conditions as may be provided in the by-law or resolution of the Board authorizing the issue thereof.

**Sale of
debentures**

(3) Subject to the approval of the Lieutenant Governor in Council upon the recommendation to the Minister by the Commission, the Corporation may sell or otherwise dispose

of any such debentures either at the principal amount or at less or more than the principal amount and upon such terms and conditions as the Board may determine and the Corporation may charge, pledge, hypothecate or otherwise deal with any such debentures as collateral security.

(4) A recital or declaration in any by-law or resolution of the Board authorizing the issue and sale of debentures of the Corporation to the effect that it is necessary to issue and sell debentures for the purposes of the Corporation in the amount so authorized is conclusive evidence of the fact. ^{Necessity for debentures}

(5) The debentures of the Corporation and the interest coupons, if any, attached thereto shall be in such form or forms and shall be executed in such manner as the Board may determine. ^{Form of debentures}

(6) The Board may provide that the seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture to which it is to be affixed and that any signature upon any debenture and upon the coupons if any, attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. ^{Execution of debentures}

(7) The seal of the Corporation when so mechanically reproduced has the same force and effect as if manually affixed and such mechanically reproduced signatures are for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of the debentures or before the issue thereof. ^{Idem}

14. The debentures of the Corporation are securities in which trust funds may lawfully be invested in Ontario. ^{Trustee investments}

15.—(1) The property vested in the Corporation and any lands and premises leased to and occupied by the Corporation shall not be liable to taxation or other imposition for municipal or school purposes, so long as the same are actually used and occupied for the purposes of the Corporation. ^{Exemption from taxation}

(2) An exemption from taxes under this section shall be deemed to have the same effect as an exemption from taxes under section 4 of *The Assessment Act*. ^{Effect of exemption}

R.S.O. 1960, c. 23

16. The Corporation shall be carried on without the purpose of gain and any profits or other accretions to the Corporation shall be used for promoting its objects. ^{Non-profit}

- Dissolution** **17.** Upon the dissolution of the Corporation and after payment of or due provision for any debts, obligations and liabilities, its property shall be distributed or disposed of as the Minister may direct.
- Annual report** **18.**—(1) The Corporation shall make a report to the Commission upon the affairs of the Corporation in such form as the Commission requires for each fiscal year of the Corporation within three months after the end of that fiscal year or for such other periods and within such other time or times as the Commission requires.
- Commission may request change in management** (2) Upon the written request of the Commission, the Corporation shall make or cause to be made such changes in the management and operation of the Corporation as the Commission may require.
- Inspection of plant by Commission** **19.** The Corporation shall allow the Commission or its representatives at all reasonable times access to the steam plant to view the state and condition of the steam plant.
- Commencement** **20.** This Act comes into force on the day it receives Royal Assent.
- Short title** **21.** This Act may be cited as *The Toronto Hospitals Steam Corporation Act, 1968-69*.

An Act to incorporate
The Toronto Hospitals Steam Corporation

1st Reading

November 20th, 1969

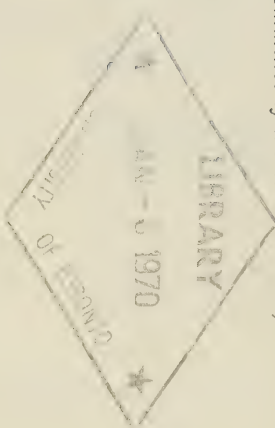
2nd Reading

December 2nd, 1969

3rd Reading

MR. WELLS

(Reprinted as amended by the
Committee of the Whole House)

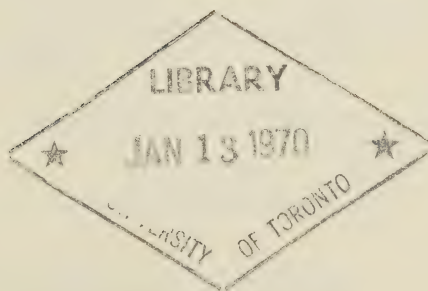


BILL 230

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to incorporate
The Toronto Hospitals Steam Corporation**

MR. WELLS



TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 230

1968-69

An Act to incorporate The Toronto Hospitals Steam Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
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- (a) "Board" means the board of directors of the Corporation;
- (b) "Commission" means the Ontario Hospital Services Commission;
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Term of
office

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(3) The directors shall elect a president of the Corporation from among themselves.

Duties of
president

(4) The president shall preside at all meetings of the Board.

Idem

(5) In the case of an equality of votes at any meeting of the Board, the president, in addition to his original vote, shall have a second or casting vote.

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Vacancies

(8) Where there is a vacancy or vacancies in the Board, the remaining directors may exercise all the powers of the Board so long as a quorum of the Board remains in office.

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4. The acts of a director or of an officer are valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

Director
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5. Every director and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Board, from time to time and at all times, be indemnified and saved harmless out of the funds of the Corporation, from and against,

(a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action or proceeding that is proposed or commenced against

him, for or in respect of anything done or permitted by him, in respect of the execution of the duties of his office; and

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7.—(1) The Board has the management and control of the ^{Powers and duties of Board} affairs of the Corporation and has power to make by-laws, not contrary to law or the provisions of this Act, governing its proceedings and the calling of and the quorum at meetings of the Board, providing for the appointment of other officers of the Corporation, specifying the powers, duties and remuneration of officers, employees and agents of the Corporation and generally dealing with the management of the affairs of the Corporation.

(2) The Corporation shall pass, amend or revise its by-laws ^{Changes required by Commission} as required by the Commission after receiving notice to do so.

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8. A copy of any by-law, resolution or minute certified ^{Authentification of by-laws, etc.} by the secretary or assistant secretary under the seal of the Corporation to be a true copy may be received in evidence in any court as *prima facie* proof of its making and content.

9.—(1) *The Corporations Act, The Municipal Franchises Act, The Charities Accounting Act and The Mortmain and Charitable Uses Act* do not apply to the Corporation. ^{Application of R.S.O. 1960, cc. 71, 255, 52, 246}

(2) Sections 55 and 58 of *The Public Utilities Act* do not apply to the Corporation.

Hospital
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(3) Any lands owned by a hospital referred to in section 2 and leased to the Corporation shall be deemed to be land necessary for the actual use and occupation of the hospital and *The Mortmain and Charitable Uses Act* does not apply in respect of such lands.

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R.S.O. 1960,
c. 335

(i) the Corporation shall notify in writing the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any highway, public lane or public communication on, over, under or across which the Corporation proposes to put down, place, install and maintain conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works, and submit to such municipalities or authorities its plans therefor,

(ii) such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as the Corporation deems necessary or desirable on, over, under or across any public highway, public lane or public communication shall be put down, placed and installed in such location and manner as the municipality or authority on which duty to repair has been

imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication may direct any such highway, lane or public communication restored to its former state, and any dispute between the Corporation and such municipalities or authorities as to the location and manner of putting down, placing and installing shall be referred to the Ontario Municipal Board to be determined, and the decision of the Ontario Municipal Board shall be final,

- (iii) the Corporation shall indemnify and save harmless the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication against, from and for any and all damages, claims, losses, costs and expenses sustained or incurred by reason of the negligent use, operation, maintenance, installation, placing and putting down of the conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works by the Corporation, its agents, servants, employees, contractors and subcontractors;
- (b) power to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, warrants and other negotiable or transferable instruments;
- (c) power to acquire by purchase, lease or otherwise and to hold and enjoy any property or interest therein whatsoever, whether real or personal, and to sell, grant, convey, assign, transfer, lease, mortgage, charge, pledge or otherwise dispose of or encumber any such property or interest or any part thereof from time to time as the occasion may require, and to acquire other property or interest therein, in addition thereto or in place thereof;
- (d) power to enter into any agreement or arrangement with any person for the management in whole or in part of its undertaking;
- (e) power to invest and deal with the moneys of the Corporation not immediately required for its objects in such manner as may be determined;

- (f) power to pay all costs and expenses of or incidental to the creation and organization of the Corporation, and to pay or reimburse any of the public hospitals referred to in section 2 for all costs and expenses incurred by them or any of them at any time prior to the creation of the Corporation in connection with the establishment of a central hospital steam plant;
- (g) power to do any of the above things and all things authorized as principal, agent, contractor, trustee or otherwise, and either alone or in conjunction with others.

Borrowing

12.—(1) The Corporation may from time to time for any of the purposes of the Corporation borrow by way of loan from any chartered bank or from any person such sums as the Corporation considers necessary, either by way of bank overdraft or by loan in any other manner with the approval of the Commission.

**Execution of
cheques, etc.**

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable for the purpose of subsection 1 may be executed in such manner as the Board may determine.

**Issue of
debentures**

13.—(1) Subject to the approval of the Lieutenant Governor in Council upon the recommendation to the Minister by the Commission, the Board may authorize the borrowing from time to time by the issue and sale of debentures of the Corporation of such sums of money as the Board considers necessary for any of the purposes of the Corporation, and may mortgage, charge, pledge and otherwise encumber all or any part of the property of the Corporation, whether real or personal, present or future, including its book debts, rights, powers, franchises and undertaking, to secure any such debentures.

**Terms of
debentures**

(2) The debentures of the Corporation may bear interest at such rate or rates and may be payable as to principal and interest in such currency or currencies and at such place or places in Canada or elsewhere and at such time or times and in such manner as the Corporation may determine, and any such securities may be made redeemable in advance of their regular maturity date at such time or times, at such price or prices and on such terms and conditions as may be provided in the by-law or resolution of the Board authorizing the issue thereof.

**Sale of
debentures**

(3) Subject to the approval of the Lieutenant Governor in Council upon the recommendation to the Minister by the Commission, the Corporation may sell or otherwise dispose

of any such debentures either at the principal amount or at less or more than the principal amount and upon such terms and conditions as the Board may determine and the Corporation may charge, pledge, hypothecate or otherwise deal with any such debentures as collateral security.

(4) A recital or declaration in any by-law or resolution of the Board authorizing the issue and sale of debentures of the Corporation to the effect that it is necessary to issue and sell debentures for the purposes of the Corporation in the amount so authorized is conclusive evidence of the fact. ^{Necessity for debentures}

(5) The debentures of the Corporation and the interest coupons, if any, attached thereto shall be in such form or forms and shall be executed in such manner as the Board may determine. ^{Form of debentures}

(6) The Board may provide that the seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture to which it is to be affixed and that any signature upon any debenture and upon the coupons if any, attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. ^{Execution of debentures}

(7) The seal of the Corporation when so mechanically reproduced has the same force and effect as if manually affixed and such mechanically reproduced signatures are for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of the debentures or before the issue thereof. ^{Idem}

14. The debentures of the Corporation are securities in which trust funds may lawfully be invested in Ontario. ^{Trustee investments}

15.—(1) The property vested in the Corporation and any lands and premises leased to and occupied by the Corporation shall not be liable to taxation or other imposition for municipal or school purposes, so long as the same are actually used and occupied for the purposes of the Corporation. ^{Exemption from taxation}

(2) An exemption from taxes under this section shall be deemed to have the same effect as an exemption from taxes under section 4 of *The Assessment Act*. ^{Effect of exemption}
R.S.O. 1960,
c. 23

16. The Corporation shall be carried on without the purpose of gain and any profits or other accretions to the Corporation shall be used for promoting its objects. ^{Non-profit}

Dissolution

17. Upon the dissolution of the Corporation and after payment of or due provision for any debts, obligations and liabilities, its property shall be distributed or disposed of as the Minister may direct.

Annual
report

18.—(1) The Corporation shall make a report to the Commission upon the affairs of the Corporation in such form as the Commission requires for each fiscal year of the Corporation within three months after the end of that fiscal year or for such other periods and within such other time or times as the Commission requires.

Commission
may request
change in
management

(2) Upon the written request of the Commission, the Corporation shall make or cause to be made such changes in the management and operation of the Corporation as the Commission may require.

Inspection
of plant by
Commission

19. The Corporation shall allow the Commission or its representatives at all reasonable times access to the steam plant to view the state and condition of the steam plant.

Commence-
ment

20. This Act comes into force on the day it receives Royal Assent.

Short title

21. This Act may be cited as *The Toronto Hospitals Steam Corporation Act, 1968-69*.

An Act to incorporate
The Toronto Hospitals Steam Corporation

1st Reading

November 20th, 1969

2nd Reading

December 2nd, 1969

3rd Reading

December 17th, 1969

MR. WELLS

BILL 231

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Ontario Municipal Board Act

MR. McKEOUGH



EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The amendment has the effect of making the subsection applicable to all public and high school boards and boards of education.

BILL 231

1968-69

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Municipal Board Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 274,
amended

12a. Where the number of members of the Board attending at the hearing of an application is more than two, the number shall be uneven, and the decision of the majority of such members constitutes the decision of the Board. Where more
than two
members
attend
hearing

2. Subsection 5 of section 64 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 274, s. 64,
subs. 5,
re-enacted

(5) Notwithstanding section 1, "municipality" in this section and in section 65 includes a public school board, high school board and a board of education and includes only such other local boards that may apply to the council in order that moneys necessary for any purpose mentioned in this section be provided by the issue of debentures of the corporation of the municipality. Interpre-
tation

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1968-69*. Short title

An Act to amend
The Ontario Municipal Board Act

1st Reading

November 21st, 1969

2nd Reading

3rd Reading

MR. McKEOUGH

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BILL 231

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Ontario Municipal Board Act

MR. McKEOUGH

BILL 231

1968-69

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Municipal Board Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 274,
amended

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c. 274, s. 64,
subs. 5,
re-enacted

(5) Notwithstanding section 1, "municipality" in this section and in section 65 includes a public school board, high school board and a board of education and includes only such other local boards that may apply to the council in order that moneys necessary for any purpose mentioned in this section be provided by the issue of debentures of the corporation of the municipality. Interpre-
tation

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1968-69*. Short title

An Act to amend
The Ontario Municipal Board Act

1st Reading

November 21st, 1969

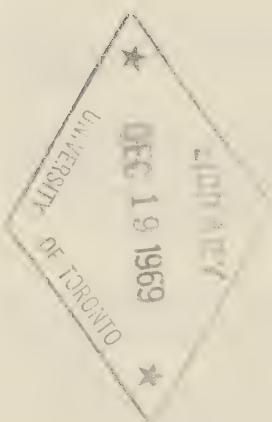
2nd Reading

November 26th, 1969

3rd Reading

December 2nd, 1969

MR. McKEOUGH

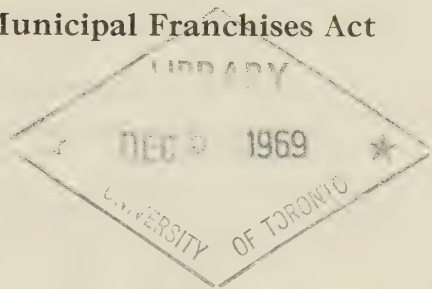


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BILL 232

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Municipal Franchises Act



Mr. McKEOUGH

EXPLANATORY NOTE

Provision is made for the renewal or extension of gas franchises by the Ontario Energy Board.

BILL 232

1968-69

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Franchises Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 255,
amended

- 9a.—(1) Where the term of a right to operate works for the distribution of gas or to supply gas to a municipal corporation or to the inhabitants of a municipality has expired or will expire within one year, either the municipality or the party having the right may apply to the Ontario Energy Board for an order for a renewal of or an extension of the term of the right. Application
to Energy
Board for
renewal, etc.,
of gas
franchise
- (2) The Ontario Energy Board has and may exercise jurisdiction and power necessary for the purposes of this section and, if public convenience and necessity appear to require it, may make an order renewing or extending the term of the right for such period of time and upon such terms and conditions as may be prescribed by the Board, or if public convenience and necessity do not appear to require a renewal or extension of the term of the right, may make an order refusing a renewal or extension of the right. Powers of
Energy
Board
- (3) The Board shall not make an order under subsection 2 until after the Board has held a public hearing upon application therefor and of which hearing such notice shall be given in such manner and to such persons and municipalities as the Board may direct. Hearing
- (4) Notwithstanding subsection 3, where an application has been made under subsection 1 and the term of the right has expired or is likely to expire before the Board disposes of the application, the Board, on the Interim
order

written request of the applicant, and without holding a public hearing, may make such order as may be necessary to continue the right until an order is made under subsection 2.

Order
deemed
by-law for
R.S.O. 1960,
c. 335, s. 58

- (5) An order of the Board under subsection 2 renewing or extending the term of the right or an order of the Board under subsection 4 shall be deemed to be a valid by-law of the municipality concerned for the purposes of section 58 of *The Public Utilities Act*.

Right
expired
before
commence-
ment of
section

- (6) An application may not be made under this section in respect of a right that has expired before the coming into force of this section.

R.S.O. 1960,
c. 255, s. 10,
amended

- 2.** Section 10 of *The Municipal Franchises Act* is amended by inserting after "9" in the fourth line "or 9a", so that the section shall read as follows:

Appeal

10. With leave of a judge thereof, an appeal lies upon any question of law or fact to the Court of Appeal from any certificate granted under section 8 or any order made under section 9 or 9a if application for leave to appeal is made within fifteen days from the date of the certificate or order, as the case may be, and the rules of practice of the Supreme Court apply to any such appeal.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Municipal Franchises Amendment Act, 1968-69*.

An Act to amend
The Municipal Franchises Act

1st Reading

November 21st, 1969

2nd Reading

3rd Reading

MR. McKEOUGH

CAZON
XB
-B 56

BILL 232

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Municipal Franchises Act

MR. McKEOUGH

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Franchises Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 255,
amended

- 9a.—(1) Where the term of a right to operate works for the distribution of gas or to supply gas to a municipal corporation or to the inhabitants of a municipality has expired or will expire within one year, either the municipality or the party having the right may apply to the Ontario Energy Board for an order for a renewal of or an extension of the term of the right. Application
to Energy
Board for
renewal, etc.,
of gas
franchise
- (2) The Ontario Energy Board has and may exercise jurisdiction and power necessary for the purposes of this section and, if public convenience and necessity appear to require it, may make an order renewing or extending the term of the right for such period of time and upon such terms and conditions as may be prescribed by the Board, or if public convenience and necessity do not appear to require a renewal or extension of the term of the right, may make an order refusing a renewal or extension of the right. Powers of
Energy
Board
- (3) The Board shall not make an order under subsection 2 until after the Board has held a public hearing upon application therefor and of which hearing such notice shall be given in such manner and to such persons and municipalities as the Board may direct. Hearing
- (4) Notwithstanding subsection 3, where an application has been made under subsection 1 and the term of the right has expired or is likely to expire before the Board disposes of the application, the Board, on the Interim
order

written request of the applicant, and without holding a public hearing, may make such order as may be necessary to continue the right until an order is made under subsection 2.

Order
deemed
by-law for
R.S.O. 1960,
c. 335, s. 58

- (5) An order of the Board under subsection 2 renewing or extending the term of the right or an order of the Board under subsection 4 shall be deemed to be a valid by-law of the municipality concerned for the purposes of section 58 of *The Public Utilities Act*.

Right
expired
before
commence-
ment of
section

- (6) An application may not be made under this section in respect of a right that has expired before the coming into force of this section.

R.S.O. 1960,
c. 255, s. 10,
amended

- 2.** Section 10 of *The Municipal Franchises Act* is amended by inserting after "9" in the fourth line "or 9a", so that the section shall read as follows:

Appeal

10. With leave of a judge thereof, an appeal lies upon any question of law or fact to the Court of Appeal from any certificate granted under section 8 or any order made under section 9 or 9a if application for leave to appeal is made within fifteen days from the date of the certificate or order, as the case may be, and the rules of practice of the Supreme Court apply to any such appeal.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Municipal Franchises Amendment Act, 1968-69*.

An Act to amend
The Municipal Franchises Act
Government
Publications

1st Reading

November 21st, 1969

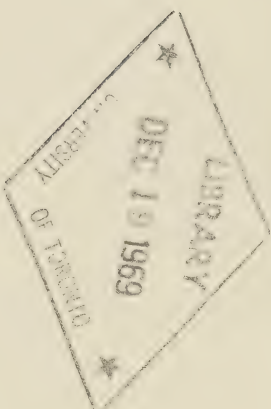
2nd Reading

November 26th, 1969

3rd Reading

December 2nd, 1969

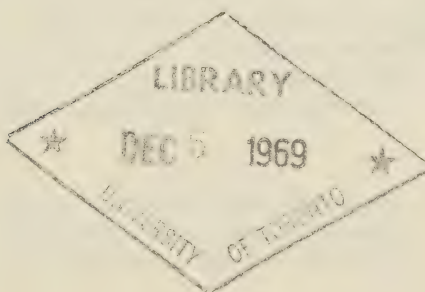
MR. McKEOUGH



2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Highway Traffic Act

MR. HASKETT



EXPLANATORY NOTES

The amendments are necessary by reason of the recent amendments to the Criminal Code by which section 222 of the Code respecting driving while intoxicated was eliminated, section 223 respecting impaired driving was renumbered as 222 and the new offences of refusing to provide a peace officer with a breath sample and driving with over .08 per cent of alcohol in the blood were created as sections 223 and 224 of the Code.

These amendments to the Code are effective on December 1st, 1969.

BILL 233

1968-69

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 172, s. 1,
amended

- (4) Any reference in this Act to the *Criminal Code* (Canada) or any provision thereof shall be deemed to be a reference to the *Criminal Code* (Canada) or the provision thereof as amended or re-enacted from time to time. References
to Criminal
Code
1953-54
c. 51 (Can.)

2.—(1) Subsection 1 of section 20 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "or section 222" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 20
(1960-61,
c. 34, s. 2),
subs. 1,
amended

- (1) Subject to section 22, the licence of a person who is convicted of an offence under section 192, 193 or 207 of the *Criminal Code* (Canada) committed by means of a motor vehicle or of an offence under subsection 1 of section 221 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of, Suspension
on conviction
for criminal
negligence,
etc.

(a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

(b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years,

1953-54
c. 51 (Can.)

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960,
c. 172, s. 20
(1960-61,
c. 34, s. 2),
subs. 3,
amended

(2) Subsection 3 of the said section 20, as amended by section 3 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "223" in the second line and inserting in lieu thereof "222, 223 or 224", so that the subsection shall read as follows:

Idem

(3) Where a person has been convicted of an offence under subsection 4 of section 221 or section 222, 223 or 224 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21,
subs. 1,
amended

3. Subsection 1 of section 21 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1960-61* and subsection 1 of section 4 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "223" in the third line and inserting in lieu thereof "222, 223 or 224", so that the subsection shall read as follows:

Suspension
for
dangerous
driving,
driving while
ability
impaired,
refusing to
provide
breath
sample and
driving with
over .08 per
cent of
alcohol in
blood

(1) Subject to section 22, the licence of a person who is convicted of an offence under subsection 4 of section 221 or section 222, 223 or 224 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

- (a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year,

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

4. This Act comes into force on the 1st day of December, ^{Commence-}
1969. _{ment}

5. This Act may be cited as *The Highway Traffic Amend-* ^{Short title}
ment Act, 1968-69 (No. 2).

An Act to amend
The Highway Traffic Act

1st Reading

November 24th, 1969

2nd Reading

3rd Reading

MR. HASKETT

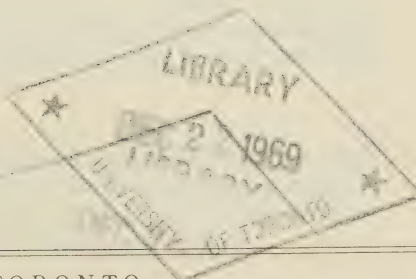
BILL 233

Government
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Highway Traffic Act

MR. HASKETT



TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 172, s. 1,
amended

- (4) Any reference in this Act to the *Criminal Code* (Canada) or any provision thereof shall be deemed to be a reference to the *Criminal Code* (Canada) or the provision thereof as amended or re-enacted from time to time. References
to Criminal
Code
1953-54
c. 51 (Can.)

2.—(1) Subsection 1 of section 20 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "or section 222" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 20
(1960-61,
c. 34, s. 2),
subs. 1,
amended

- (1) Subject to section 22, the licence of a person who is convicted of an offence under section 192, 193 or 207 of the *Criminal Code* (Canada) committed by means of a motor vehicle or of an offence under subsection 1 of section 221 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of, Suspension
on conviction
for
criminal
negligence,
etc.

- (a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;
- (b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years,

1953-54
c. 51 (Can.)

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960,
c. 172, s. 20
(1960-61,
c. 34, s. 2),
subs. 3,
amended

(2) Subsection 3 of the said section 20, as amended by section 3 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "223" in the second line and inserting in lieu thereof "222, 223 or 224", so that the subsection shall read as follows:

Idem

(3) Where a person has been convicted of an offence under subsection 4 of section 221 or section 222, 223 or 224 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21,
subs. 1,
amended

3. Subsection 1 of section 21 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1960-61* and subsection 1 of section 4 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "223" in the third line and inserting in lieu thereof "222, 223 or 224", so that the subsection shall read as follows:

Suspension
for
dangerous
driving,
driving while
ability
impaired,
refusing to
provide
breath
sample and
driving with
over .08 per
cent of
alcohol in
blood

(1) Subject to section 22, the licence of a person who is convicted of an offence under subsection 4 of section 221 or section 222, 223 or 224 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

- (a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year,

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

4. This Act comes into force on the 1st day of December, ^{Commence-}_{ment} 1969.

5. This Act may be cited as *The Highway Traffic Amend-* ^{Short title}
ment Act, 1968-69 (No. 2).

An Act to amend
The Highway Traffic Act

1st Reading

November 24th, 1969

2nd Reading

November 26th, 1969

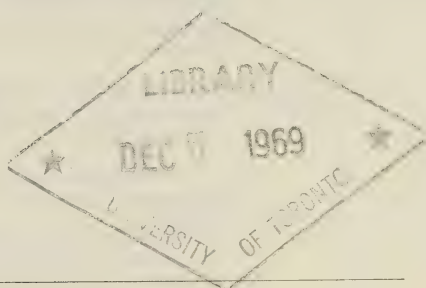
3rd Reading

December 2nd, 1969

MR. HASKETT

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Landlord and Tenant Act



MR. WISHART

EXPLANATORY NOTES

The Bill substantially implements the recommendations of the Law Reform Commission contained in its Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies. Tenancies other than residential are to be the subject of a further report of the Law Reform Commission.

The principal provisions are as follows:

1. The landlord is required to deliver a copy of any written lease to the tenant. (Section 82).
2. Security deposits are prohibited except for one month's rent as security for the payment of the last month's rent. Interest is required to be paid on existing security deposits already paid and security deposits and interest must be repaid within ten days unless the tenant consents or there is a court order. (Sections 83 and 84).
3. The right of distress for default in payment of rent is abolished. (Section 85).
4. The common law doctrines peculiar to tenancies are abolished making tenancy agreements subject to the same rules as apply to contracts generally. (Sections 86, 87, 88, 89 and 91).

(The doctrine of *interesse termini* is discussed and explained in Appendix F of the Report of the Ontario Law Reform Commission.

The doctrine of frustration and its relationship to leases are discussed and explained in Chapter X of the Report of the Ontario Law Reform Commission.)

5. The landlord's right to enter rented premises is confined to emergencies or on twenty-four hours notice. (Section 92).
6. Landlords are required to permit entry of canvassers for candidates for election. (Section 93).
7. Alteration of locks during a tenancy is prohibited. (Section 94).
8. The landlord is given the responsibility to repair, while the tenant's responsibility is for day-to-day cleanliness and damage caused by wilful or negligent conduct. (Section 95).
9. A tenant may restore a lease to good standing by payment of actual arrears of rent, notwithstanding an acceleration clause in the lease. (Section 96).
10. Specific methods of terminating tenancies by notice are set out. (Sections 97 to 104).
11. A landlord cannot regain possession without the tenant's consent or a court order. (Sections 105 and 106).
12. Municipalities are authorized to establish Landlord and Tenant Advisory Bureaux with the functions set out in section 108.

There are appeals to the Court of Appeal from all orders of judges referred to in the Bill by virtue of the application of *The Judges' Orders Enforcement Act*.

BILL 234

1968-69

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Landlord and Tenant Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 206, s. 1,
amended

(ba) "residential premises" means premises used for residential purposes, and does not include premises occupied for business purposes with living accommodation attached under a single lease.

2. *The Landlord and Tenant Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 206,
amended

1a. The provisions of Parts I, II and III of this Act in so far as they apply to tenancies of residential premises are subject to Part IV. Application

3. *The Landlord and Tenant Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 206,
amended

PART IV

RESIDENTIAL TENANCIES

80. In this Part,

Interpre-
tation

- (a) "security deposit" means money paid by a tenant of residential premises to a landlord or his agent to be held by the landlord as security for the performance of an obligation or the payment of a liability of the tenant;
- (b) "tenancy agreement" means an agreement between a tenant and a landlord for possession of residential premises, whether written, oral or implied.

Application
of Part

81.—(1) This Part applies to residential tenancies notwithstanding any other Act or Parts I, II or III of this Act and notwithstanding any agreement or waiver to the contrary except as specifically provided in this Part.

Application
to existing
tenancies

(2) Except where otherwise expressly provided in this Part, this Part applies to tenancies under tenancy agreements entered into or renewed before and subsisting when this Part comes into force or entered into after this Part comes into force.

Delivery
of copy of
tenancy
agreement

82.—(1) Where a tenancy agreement in writing is executed by a tenant after this Part comes into force, the landlord shall ensure that a fully executed duplicate original copy of the tenancy agreement is delivered to the tenant within twenty-one days after its execution by the tenant.

Failure to
deliver copy
of tenancy
agreement

(2) Where the copy of a tenancy agreement is not delivered in accordance with subsection 1, the obligations of the tenant thereunder cease until such copy is delivered to him.

Security
deposits

83. After this Part comes into force, a landlord shall not require or receive a security deposit from a tenant other than the rent for a rent period not exceeding one month, which payment shall be applied in payment of the rent for the last rent period under the tenancy agreement.

Security
deposits
already held

84.—(1) This section applies to security deposits held by landlords at the time this Part comes into force, other than security deposits for rent only as described in section 83.

Interest

(2) The landlord shall pay interest on any moneys held by him as a security deposit at the rate of 6 per cent per year, compounded annually, and such interest may be retained by the landlord to be added to and form part of the security deposit and, if so retained, shall be held by the landlord on the same terms and conditions as apply to the original deposit.

Repayment

(3) Subject to subsection 4, the landlord shall pay the security deposit to the tenant, together with the interest that has accrued thereon and been retained, within ten days after the tenancy is terminated, but a judge of the county or district court of the county or district in which the premises are situate may, upon summary application therefor, extend the time to such longer period as he considers proper.

- (4) Where the landlord proposes to retain any amount ^{Retentions} out of the security deposit, he shall so notify the tenant together with the particulars of and grounds for the retention and he shall not retain such amount unless,
- (a) the tenant consents thereto in writing after receipt of the notice; or
 - (b) he obtains an order of the judge under subsections 5 and 6.
- (5) A landlord may apply to a judge of the county or district court in the county or district in which the premises are situate for an order authorizing the retention of all or part of a security deposit in the same manner as upon an application for termination of a tenancy and section 105 applies to the application *mutatis mutandis*. ^{Order for retention}
- (6) Upon an application under subsection 5, the judge ^{Idem} may dismiss the application or order that all or part of the security deposit be retained by the landlord to be applied on account of any obligation or liability of the tenant for which the security deposit was taken.
- 85.—(1) No landlord shall distrain for default in the payment of rent whether a right of distress has heretofore existed by statute, the common law or contract. ^{Distress abolished}
- (2) Subsection 1 applies to default in payment of rent under a lease entered into or renewed after this section comes into force and to default in payment under a tenancy agreement for a periodic tenancy of rent accruing after this section comes into force. ^{Application of sub-section 1}
- 86.—(1) The doctrine of *interesse termini* is hereby abolished. ^{*Interesse termini* abolished}
- (2) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for commencement of the term, without actual entry. ^{Idem}
- (3) This section applies to tenancy agreements entered into or renewed after this section comes into force. ^{Application of section}
87. The doctrine of frustration of contract applies to tenancy agreements and *The Frustrated Contracts Act* applies thereto. ^{Frustration R.S.O. 1960, c. 157}

- | | |
|--|--|
| Covenants inter-dependent | 88. Subject to this Part, the common law rules respecting the effect of the breach of a material covenant by one party to a contract on the obligation to perform by the other party apply to tenancy agreements. |
| Covenants <i>in posse</i> and <i>in esse</i> | 89. Covenants concerning things related to the rented premises run with the land whether or not the things are in existence at the time of the demise. |
| Consent to sublet | 90.—(1) Where the right of a tenant to assign, sublet or otherwise part with possession of the rented premises is subject to the consent of the landlord, such consent shall not be arbitrarily or unreasonably withheld. |
| Charges | (2) A landlord shall not make any charge for giving his consent referred to in subsection 1, except his reasonable expenses incurred thereby. |
| Determination of disputes | (3) A landlord or tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate who may determine any question arising under subsection 1 or 2. |
| Mitigation of damages | 91. Where a tenant abandons the premises in breach of the tenancy agreement, the landlord's right to damages is subject to the same obligation to mitigate his damages as applies generally under the rule of law relating to breaches of contract. |
| Privacy | 92. Except in cases of emergency and except where the landlord has a right to show the premises to prospective tenants at reasonable hours after notice of termination of the tenancy has been given, the landlord shall not exercise a right to enter the rented premises unless he has first given written notice to the tenant at least twenty-four hours before the time of entry, and the time of entry shall be during daylight hours and specified in the notice. |
| Entry by canvassers | 93. No landlord or servant or agent of a landlord shall restrict reasonable access to the rented premises by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or a school board for the purpose of canvassing or distributing election material. |
| Alteration of locks | 94. A landlord or tenant shall not, during occupancy of the rented premises by the tenant, alter or cause to be altered the lock on any door giving entry to the rented premises except by mutual consent. |

- 95.—(1) A landlord is responsible to keep the rented premises in a good state of repair and fit for habitation during the tenancy and for complying with health and safety standards, including any housing standards required by law, and notwithstanding that any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into. Landlord's responsibility to repair
- (2) The tenant is responsible for ordinary cleanliness of the rented premises and for the repair of damage caused by his wilful or negligent conduct or that of persons who are permitted on the premises by him. Tenant's responsibility for cleanliness and damage
- (3) The obligations imposed under this section may be enforced by summary application to a judge of the county or district court of the county or district in which the premises are situate and the judge may, Enforcement
- (a) terminate the tenancy subject to such relief against forfeiture as the judge sees fit;
 - (b) authorize the repair to be made and the cost thereof to be paid by the person responsible to make the repair, such cost to be recovered by due process or by set-off;
 - (c) make such further or other order as the judge considers appropriate.
- (4) This section applies to tenancies under tenancy agreements entered into or renewed after this section comes into force and to periodic tenancies on the first anniversary date of such tenancies after this section comes into force and in all other cases the law applies as it existed immediately before this section comes into force. Application
- 96.—(1) Where default has occurred in the payment of rent due under a tenancy agreement or in the observance of any obligation of the tenant and under the terms of the tenancy agreement, by reason of such default, the whole or any part of remaining rent for the term of the tenancy has become due and payable, at any time before or after the commencement of an action for the enforcement of the rights of the landlord and before judgment, the tenant may, Relief against acceleration clauses
- (a) pay the rent due, exclusive of the rent not payable by reason merely of lapse of time; or

- (b) perform the obligation, and pay any expenses necessarily incurred by the landlord,

and thereupon he is relieved from the consequences of the default.

Disputes

- (2) A landlord or tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate who may determine any question as to whether a tenant is entitled to relief under this section.

TERMINATION OF TENANCIES

Notice of
termination
of tenancy

- 97.—(1) A weekly or monthly or year to year tenancy may be terminated by either the landlord or the tenant upon notice to the other and, unless otherwise agreed upon, the notice,

- (a) shall meet the requirements of section 98;
- (b) shall be given in the manner prescribed by section 99; and
- (c) shall be given in sufficient time to give the period of notice required by section 100, 101 or 102, as the case may be.

Idem

- (2) Any other kind of tenancy determinable on notice may, unless otherwise agreed upon, be terminated as provided by sections 98 and 99.

Form of
notice

- 98.—(1) A landlord or a tenant may give notice either orally or in writing, but a notice by a landlord to a tenant is not enforceable under section 105 unless it is in writing.

Content
of notice

- (2) A notice in writing,
- (a) shall be signed by the person giving the notice, or his agent;
 - (b) shall identify the premises in respect of which the notice is given; and
 - (c) shall state the date on which the tenancy is to terminate or that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice.

(3) A notice may state both,

Idem

- (a) the date on which the tenancy is to terminate;
and
- (b) that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice,

and if it does state both and the date on which the tenancy is to terminate is incorrectly stated, the notice is nevertheless effective to terminate the tenancy on the last day of the period of the tenancy next following the giving of the notice.

- (4) A notice need not be in any particular form, but a notice by a landlord to a tenant may be in Form 4 and a notice by a tenant to a landlord may be in Form 5.

Forms 4 and 5

99.—(1) Notice by a tenant to a landlord may be given personally to the landlord, or his agent, or may be sent to him by ordinary mail at the address where the rent is payable.

Manner of giving notice

- (2) Except as provided in this section, a notice by a landlord to a tenant shall be given personally to the tenant.

Idem

- (3) Where the tenant cannot be given notice by reason of his absence from the premises, or by reason of his evading service, the notice may be given to the tenant,

Substitutional service

- (a) by giving it to any adult person who apparently resides with the tenant; or
- (b) by posting it up in a conspicuous place upon some part of the premises; or
- (c) by sending it by registered mail to the tenant at the address where he resides.

100.—(1) A notice to terminate a weekly tenancy shall be given on or before the last day of one week of the tenancy to be effective on the last day of the following week of the tenancy.

Notice to terminate weekly tenancy

- (2) For the purposes of this section, “week of the tenancy” means the weekly period on which the tenancy is based and not necessarily a calendar

Idem

week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable.

Notice to
terminate
monthly
tenancy

101.—(1) A notice to terminate a monthly tenancy shall be given on or before the last day of one month of the tenancy to be effective on the last day of the following month of the tenancy.

Idem

(2) For the purposes of this section, “month of the tenancy” means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

Notice to
terminate
yearly
tenancy

102.—(1) A notice to terminate a year to year tenancy shall be given on or before the sixtieth day before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.

Idem

(2) For the purposes of this section, “year of the tenancy” means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.

Posting up
notice
provisions

103. Where a landlord rents more than one residential premises in the same building and retains possession of part for use of all tenants in common, the landlord shall post up conspicuously and maintain posted a copy of sections 97 to 102.

Compensation when
premises not
vacated

104.—(1) A landlord is entitled to compensation for the use and occupation of premises after the tenancy has been terminated by notice.

Effect of
payment by
overholding
tenant where
tenancy
terminated
on notice

(2) The acceptance by a landlord of arrears of rent or compensation for use or occupation of the premises after notice of termination of the tenancy has been given does not operate as a waiver of the notice or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree.

Burden of
proof

(3) The burden of proof that the notice has been waived or the tenancy has been reinstated or a new tenancy created is upon the person so claiming.

- (4) A landlord's claim for arrears of rent or compensation for use and occupation by a tenant after the expiration or termination of the tenancy may be enforced by action or on summary application as provided in section 105. Enforcement of claim
- 105.—(1) A landlord or tenant may apply by summary application to the judge of the county or district court of the county or district in which the premises are situate for an order declaring that the tenancy agreement is terminated. Application for order declaring tenancy agreement terminated
- (2) An application shall state the grounds upon which the tenancy agreement is alleged to be terminated. Contents of application
- (3) The judge shall in writing appoint a time and place for the hearing and the applicant shall serve a notice of the appointment and a copy of the application upon the other parties to the tenancy agreement at least fifteen days before the day appointed. Appointment
- (4) After a hearing, the judge shall determine the question of whether the tenancy agreement is terminated in whole or in part and may make an order for a writ of possession or such other relief as may be equitable in the circumstances. Order
- 106.—(1) Unless a tenant has vacated or abandoned rented premises, the landlord shall not regain possession of the premises on the grounds he is entitled to possession except under the authority of a writ of possession obtained under section 105 or under Part III. Recovery of possession
- (2) In any proceeding by a landlord for possession, if it appears to the judge that, Defences to proceedings for possession
- (a) the notice to quit was given because of the tenant's complaint to any governmental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards, including any housing standard law; or
- (b) the notice to quit was given because of the tenant's attempt to secure or enforce his legal rights,
- the judge may refuse to grant an order or writ for possession and may declare the notice to quit invalid and the notice to quit shall be deemed not to have been given.

Penalties

107. Any person who knowingly contravenes section 83, 84, 93, 94 or 106 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$1,000.

LANDLORD AND TENANT ADVISORY BUREAU

municipality
defined

- 108.—(1) In this section, “municipality” means a local municipality and includes a metropolitan municipality and a regional municipality but does not include an area municipality thereof.

By-laws to
establish
Landlord
and Tenant
Advisory
Bureau

- (2) The council of a municipality may by by-law establish a Landlord and Tenant Advisory Bureau.

Functions
of Bureau

- (3) The functions of a Landlord and Tenant Advisory Bureau are,

- (a) to advise landlords and tenants in tenancy matters;
- (b) to receive complaints and seek to mediate disputes between landlords and tenants;
- (c) to disseminate information for the purpose of educating and advising landlords and tenants concerning rental practices, rights and remedies; and
- (d) to receive and investigate complaints of conduct in contravention of legislation governing tenancies.

R.S.O. 1960,
c. 206,
amended

4. *The Landlord and Tenant Act* is amended by adding thereto the following forms:

FORM 4

NOTICE TO TENANT

To.....
(Name of Tenant)

I hereby give you notice to deliver up possession of the premises

.....
(identify the premises)

which you hold of me as tenant, on the.....day of.....
next, or on the last day of the period of your tenancy next following
the giving of this notice.

Dated this.....day of....., 19.....

.....
(Landlord)

FORM 5

NOTICE TO LANDLORD

To.....
(*Name of Landlord*)

I hereby give you notice that I am giving up possession of the premises

.....
(*identify the premises*)

which I hold of you as tenant, on the.....day of.....
next, or on the last day of the period of my tenancy next following the
giving of this notice.

Dated this.....day of....., 19.....

.....
(*Tenant*)

5. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. _{ment}

6. This Act may be cited as *The Landlord and Tenant* ^{Short title}
Amendment Act, 1968-69.

An Act to amend
The Landlord and Tenant Act

1st Reading

November 25th, 1969

2nd Reading

3rd Reading

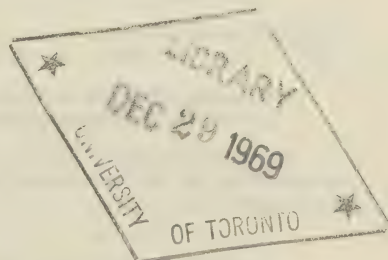
MR. WISHART

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Landlord and Tenant Act

MR. WISHART

(Reprinted as amended by the Legal and Municipal Committee)



EXPLANATORY NOTES

The Bill substantially implements the recommendations of the Law Reform Commission contained in its Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies. Tenancies other than residential are to be the subject of a further report of the Law Reform Commission.

The principal provisions are as follows:

1. The landlord is required to deliver a copy of any written lease to the tenant. (Section 82).
2. Security deposits are prohibited except for one month's rent as security for the payment of the last month's rent bearing interest at 6 per cent payable yearly. Interest is required to be paid on existing security deposits already paid and security deposits and interest must be repaid within fifteen days unless the tenant consents or there is a court order. (Sections 83 and 84).
3. The right of distress for default in payment of rent is abolished. (Section 85).
4. The common law doctrines peculiar to tenancies are abolished making tenancy agreements subject to the same rules as apply to contracts generally. (Sections 86, 87, 88, 89 and 91).

(The doctrine of *interesse termini* is discussed and explained in Appendix F of the Report of the Ontario Law Reform Commission.

The doctrine of frustration and its relationship to leases are discussed and explained in Chapter X of the Report of the Ontario Law Reform Commission.)

5. The landlord's right to enter rented premises is confined to emergencies or on twenty-four hours notice. (Section 92).
6. Landlords are required to permit entry of canvassers for candidates for election. (Section 93).
7. Alteration of locks during a tenancy is prohibited. (Section 94).
8. The landlord is given the responsibility to repair, while the tenant's responsibility is for day-to-day cleanliness and damage caused by wilful or negligent conduct. (Section 95).
9. A tenant may restore a lease to good standing by payment of actual arrears of rent, notwithstanding an acceleration clause in the lease. (Section 96).
10. Specific methods of terminating tenancies by notice are set out. (Sections 97 to 104).
11. A landlord cannot regain possession without the tenant's consent or a court order. (Sections 105 and 106).
12. Municipalities are authorized to establish Landlord and Tenant Advisory Bureaux with the functions set out in section 108.

There are appeals to the Court of Appeal from all orders of judges referred to in the Bill by virtue of the application of *The Judges' Orders Enforcement Act*.

BILL 234

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2. *The Landlord and Tenant Act* is amended by adding thereto the following section: R.S.O. 1960,
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1a. The provisions of Parts I, II and III of this Act in so far as they apply to tenancies of residential premises are subject to Part IV. Application

3. *The Landlord and Tenant Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 206,
amended

PART IV

RESIDENTIAL TENANCIES

80. In this Part,

Interpre-
tation

(a) "security deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;

- (b) "tenancy agreement" means an agreement between a tenant and a landlord for possession of residential premises, whether written, oral or implied.

Application
of Part

81.—(1) This Part applies to tenancies of residential premises and tenancy agreements notwithstanding any other Act or Parts I, II or III of this Act and notwithstanding any agreement or waiver to the contrary except as specifically provided in this Part.

Application
to existing
tenancies

(2) Except where otherwise expressly provided in this Part, this Part applies to tenancies under tenancy agreements entered into or renewed before and subsisting when this Part comes into force or entered into after this Part comes into force.

Delivery
of copy of
tenancy
agreement

82.—(1) Where a tenancy agreement in writing is executed by a tenant after this Part comes into force, the landlord shall ensure that a fully executed duplicate original copy of the tenancy agreement is delivered to the tenant within twenty-one days after its execution and delivery by the tenant.

Failure to
deliver copy
of tenancy
agreement

(2) Where the copy of a tenancy agreement is not delivered in accordance with subsection 1, the obligations of the tenant thereunder cease until such copy is delivered to him.

Security
deposits

83.—(1) A landlord shall not require or receive a security deposit from a tenant under a tenancy agreement entered into or renewed after this Part comes into force other than the rent for a rent period not exceeding one month, which payment shall be applied in payment of the rent for the last rent period under the tenancy agreement.

Interest

(2) A landlord shall pay annually to the tenant interest on the security deposit for rent referred to in subsection 1 at the rate of 6 per cent per year.

Post-dated
cheques

(3) After this Part comes into force, a landlord or a tenancy agreement shall not require the delivery of any post-dated cheque or other negotiable instrument to be used for payment of rent.

Security
deposits
already held

84.—(1) This section applies to security deposits held by landlords at the time this Part comes into force, other than security deposits for rent only as described in section 83.

- (2) The landlord shall pay interest annually on any moneys held by him as a security deposit at the rate of 6 per cent per year. ^{Interest}
- (3) Subject to subsection 4, the landlord shall pay the security deposit to the tenant, together with the unpaid interest that has accrued thereon within fifteen days after the tenancy is terminated, but a judge of the county or district court of the county or district in which the premises are situate may, upon summary application therefor, extend the time to such longer period as he considers proper. ^{Repayment}
- (4) Where the landlord proposes to retain any amount out of the security deposit, he shall so notify the tenant together with the particulars of and grounds for the retention and he shall not retain such amount unless, ^{Retentions}
- (a) the tenant consents thereto in writing after receipt of the notice; or
- (b) he obtains an order of the judge under subsections 5 and 6.
- (5) A landlord may apply to a judge of the county or district court in the county or district in which the premises are situate for an order authorizing the retention of all or part of a security deposit in the same manner as upon an application for termination of a tenancy and section 105 applies to the application *mutatis mutandis*. ^{Order for retention}
- (6) Upon an application under subsection 5, the judge may dismiss the application or order that all or part of the security deposit be retained by the landlord to be applied on account of any obligation or liability of the tenant for which the security deposit was taken. ^{Idem}
- 85.—(1) No landlord shall distrain for default in the payment of rent whether a right of distress has heretofore existed by statute, the common law or contract. ^{Distress abolished}
- (2) Subsection 1 applies to default in payment of rent under a tenancy agreement entered into or renewed after this section comes into force and to default in payment under a tenancy agreement for a periodic tenancy of rent accruing after this section comes into force. ^{Application of sub-section 1}

*Interesse
termini*
abolished

86.—(1) The doctrine of *interesse termini* is hereby abolished.

Idem

(2) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for commencement of the term, without actual entry.

Application
of section

(3) This section applies to tenancy agreements entered into or renewed after this section comes into force.

Frustration
R.S.O. 1960,
c. 157

87. The doctrine of frustration of contract applies to tenancy agreements and *The Frustrated Contracts Act* applies thereto.

Covenants
inter-
dependent

88. Subject to this Part, the common law rules respecting the effect of the breach of a material covenant by one party to a contract on the obligation to perform by the other party apply to tenancy agreements.

Covenants
in posse and
in esse

89. Covenants concerning things related to the rented premises run with the land whether or not the things are in existence at the time of the demise.

Right
to assign
or sublet

90.—(1) Subject to subsection 3, a tenant has the right to assign, sublet or otherwise part with possession of the rented premises.

Exception

(2) Subsection 1 does not apply to a tenant of premises administered by or for the Government of Canada or Ontario or a municipality, or any agency thereof, developed and financed under the *National Housing Act, 1954* (Canada).

1953-54,
c. 23 (Can.)

Consent

(3) A tenancy agreement may provide that the right of a tenant to assign, sublet or otherwise part with possession of the rented premises is subject to the consent of the landlord, and, where it is so provided, such consent shall not be arbitrarily or unreasonably withheld.

Charges

(4) A landlord shall not make any charge for giving his consent referred to in subsection 3, except his reasonable expenses incurred thereby.

Determin-
ation of
disputes

(5) A landlord or tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate who may determine any question arising under subsection 3 or 4.

91. Where a tenant abandons the premises in breach of the tenancy agreement, the landlord's right to damages is subject to the same obligation to mitigate his damages as applies generally under the rule of law relating to breaches of contract. Mitigation of damages
92. Except in cases of emergency and except where the landlord has a right to show the premises to prospective tenants at reasonable hours after notice of termination of the tenancy has been given, the landlord shall not exercise a right to enter the rented premises unless he has first given written notice to the tenant at least twenty-four hours before the time of entry, and the time of entry shall be during daylight hours and specified in the notice, except that nothing in this section shall be construed to prohibit entry with the consent of the tenant given at the time of entry. Privacy
93. No landlord or servant or agent of a landlord shall restrict reasonable access to the rented premises by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or a school board for the purpose of canvassing or distributing election material. Entry by canvassers
94. A landlord or tenant shall not, during occupancy of the rented premises by the tenant, alter or cause to be altered the locking system on any door giving entry to the rented premises except by mutual consent. Alteration of locks
- 95.—(1) A landlord is responsible for providing and maintaining the rented premises in a good state of repair and fit for habitation during the tenancy and for complying with health and safety standards, including any housing standards required by law, and notwithstanding that any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into. Landlord's responsibility to repair
- (2) The tenant is responsible for ordinary cleanliness of the rented premises and for the repair of damage caused by his wilful or negligent conduct or that of persons who are permitted on the premises by him. Tenant's responsibility for cleanliness and damage
- (3) The obligations imposed under this section may be enforced by summary application to a judge of the county or district court of the county or district in which the premises are situate and the judge may, Enforcement

- (a) terminate the tenancy subject to such relief against forfeiture as the judge sees fit;
- (b) authorize any repair that has been or is to be made and order the cost thereof to be paid by the person responsible to make the repair, such cost to be recovered by due process or by set-off;
- (c) make such further or other order as the judge considers appropriate.

Application

- (4) This section applies to tenancies under tenancy agreements entered into or renewed after this section comes into force and to periodic tenancies on the first anniversary date of such tenancies after this section comes into force and in all other cases the law applies as it existed immediately before this section comes into force.

Relief against acceleration clauses

- 96.—(1) Where default has occurred in the payment of rent due under a tenancy agreement or in the observance of any obligation of the tenant and under the terms of the tenancy agreement, by reason of such default, the whole or any part of remaining rent for the term of the tenancy has become due and payable, at any time before or after the commencement of an action for the enforcement of the rights of the landlord and before judgment, the tenant may,

- (a) pay the rent due, exclusive of the rent not payable by reason merely of lapse of time; or
- (b) perform the obligation, and pay any expenses necessarily incurred by the landlord,

and thereupon he is relieved from the consequences of the default.

Disputes

- (2) A landlord or tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate who may determine any question as to whether a tenant is entitled to relief under this section.

TERMINATION OF TENANCIES

Notice of termination of tenancy

- 97.—(1) A weekly or monthly or year to year tenancy may be terminated by either the landlord or the tenant upon notice to the other and, unless otherwise agreed upon, the notice,

- (a) shall meet the requirements of section 98;
 - (b) shall be given in the manner prescribed by section 99; and
 - (c) shall be given in sufficient time to give the period of notice required by section 100, 101 or 102, as the case may be.
- (2) Any other kind of tenancy determinable on notice ^{Idem} may, unless otherwise agreed upon, be terminated as provided by sections 98 and 99.
- 98.—(1) A landlord or a tenant may give notice ^{Form of notice} to terminate either orally or in writing, but a notice by a landlord to a tenant is not enforceable under section 105 unless it is in writing.

- (2) A notice in writing, ^{Content of notice}
- (a) shall be signed by the person giving the notice, or his agent;
 - (b) shall identify the premises in respect of which the notice is given; and
 - (c) shall state the date on which the tenancy is to terminate or that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice.
- (3) A notice may state both, ^{Idem}
- (a) the date on which the tenancy is to terminate; and
 - (b) that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice,

and if it does state both and the date on which the tenancy is to terminate is incorrectly stated, the notice is nevertheless effective to terminate the tenancy on the last day of the period of the tenancy next following the giving of the notice.

- (4) A notice need not be in any particular form, but a ^{Forms 4 and 5} notice by a landlord to a tenant may be in Form 4 and a notice by a tenant to a landlord may be in Form 5.

Manner of
giving
notice

99.—(1) Notice to terminate shall be given in the manner prescribed in section 108.

Substitu-
tional
service

(2) Where the tenant cannot be given notice by reason of his absence from the premises, or by reason of his evading service, the notice may be given to the tenant,

(a) by giving it to any adult person who apparently resides with the tenant; or

(b) by posting it up in a conspicuous place upon some part of the premises; or

(c) by sending it by registered mail to the tenant at the address where he resides.

Notice to
terminate
weekly
tenancy

100.—(1) A notice to terminate a weekly tenancy shall be given on or before the last day of one week of the tenancy to be effective on the last day of the following week of the tenancy.

Idem

(2) For the purposes of this section, “week of the tenancy” means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable.

Notice to
terminate
monthly
tenancy

101.—(1) A notice to terminate a monthly tenancy shall be given on or before the last day of one month of the tenancy to be effective on the last day of the following month of the tenancy.

Idem

(2) For the purposes of this section, “month of the tenancy” means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

Notice to
terminate
yearly
tenancy

102.—(1) A notice to terminate a year to year tenancy shall be given on or before the sixtieth day before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.

Idem

(2) For the purposes of this section, “year of the tenancy” means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.

103. Where a landlord rents more than one residential premises in the same building and retains possession of part for use of all tenants in common, the landlord shall post up conspicuously and maintain posted a copy of sections 97 to 102 and section 108, together with the legal name of the landlord and his address for service, and any proceeding taken by or on behalf of a tenant may be commenced against the landlord in the name so posted. Posting up notice provisions
- 104.—(1) A landlord is entitled to compensation for the use and occupation of premises after the tenancy has been terminated by notice. Compensation when premises not vacated
- (2) The acceptance by a landlord of arrears of rent or compensation for use or occupation of the premises after notice of termination of the tenancy has been given does not operate as a waiver of the notice or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree. Effect of payment by overholding tenant where tenancy terminated on notice
- (3) The burden of proof that the notice has been waived or the tenancy has been reinstated or a new tenancy created is upon the person so claiming. Burden of proof
- (4) A landlord's claim for arrears of rent or compensation for use and occupation by a tenant after the expiration or termination of the tenancy may be enforced by action or on summary application as provided in section 105. Enforcement of claim
- 105.—(1) A landlord or tenant may apply by summary application to the judge of the county or district court of the county or district in which the premises are situate for an order declaring that the tenancy agreement is terminated. Application for order declaring tenancy agreement terminated
- (2) An application shall state the grounds upon which the tenancy agreement is alleged to be terminated. Contents of application
- (3) The judge shall in writing appoint a time and place for the hearing and the applicant shall serve a notice of the appointment and a copy of the application upon the other parties to the tenancy agreement at least fifteen days before the day appointed. Appointment
- (4) After a hearing, the judge shall determine the question of whether the tenancy agreement is terminated in whole or in part and may make an order for a writ of possession or such other relief as may be equitable in the circumstances. Order

Recovery of possession

106.—(1) Unless a tenant has vacated or abandoned rented premises, the landlord shall not regain possession of the premises on the grounds he is entitled to possession except under the authority of a writ of possession obtained under section 105 or under Part III.

Defences to proceedings for possession

(2) In any proceeding by a landlord for possession, if it appears to the judge that,

(a) the notice to quit was given because of the tenant's complaint to any governmental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards, including any housing standard law; or

(b) the notice to quit was given because of the tenant's attempt to secure or enforce his legal rights,

the judge may refuse to grant an order or writ for possession and may declare the notice to quit invalid and the notice to quit shall be deemed not to have been given.

Penalties

107. Any person who knowingly contravenes section 83, 84, 93, 94 or 106 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$1,000.

Service of notices, etc.

108.—(1) Except as otherwise provided in this Part,

(a) any notice, process or document required or permitted to be delivered or given by a tenant to a landlord is sufficiently given or delivered if delivered personally to the landlord or his agent or sent by ordinary mail addressed to the landlord at the address posted under section 103;

(b) any notice, process or document required or permitted to be delivered or given by a landlord to a tenant shall be given or delivered personally to the tenant.

Idem

(2) Where a document is given or delivered by mail, it shall be deemed to have been given or delivered on the third day after the date of mailing.

Exception

(3) Notwithstanding subsections 1 and 2, a judge may order any other method of service in respect of any matter before him.

LANDLORD AND TENANT ADVISORY BUREAU

- 109.—(1) In this section, “municipality” means a local municipality and includes a metropolitan municipality and a regional municipality but does not include an area municipality thereof. Municipality defined
- (2) The council of a municipality may by by-law establish a Landlord and Tenant Advisory Bureau. By-laws to establish Landlord and Tenant Advisory Bureau
- (3) The functions of a Landlord and Tenant Advisory Bureau are, Functions of Bureau
- (a) to advise landlords and tenants in tenancy matters;
 - (b) to receive complaints and seek to mediate disputes between landlords and tenants;
 - (c) to disseminate information for the purpose of educating and advising landlords and tenants concerning rental practices, rights and remedies; and
 - (d) to receive and investigate complaints of conduct in contravention of legislation governing tenancies.

4. *The Landlord and Tenant Act* is amended by adding thereto the following forms: R.S.O. 1960, c. 206, amended

FORM 4

NOTICE TO TENANT

To.....
(Name of Tenant)

I hereby give you notice to deliver up possession of the premises

.....
(identify the premises)

which you hold of me as tenant, on the.....day of.....
next, or on the last day of the period of your tenancy next following
the giving of this notice.

Dated this.....day of....., 19.....

.....
(Landlord)

FORM 5

NOTICE TO LANDLORD

To.....
(*Name of Landlord*)

I hereby give you notice that I am giving up possession of the premises

.....
(*identify the premises*)

which I hold of you as tenant, on the.....day of.....
next, or on the last day of the period of my tenancy next following the
giving of this notice.

Dated this.....day of....., 19.....

.....
(*Tenant*)

Commence-
ment

5. This Act comes into force on the 1st day of January,
1970.

Short title

6. This Act may be cited as *The Landlord and Tenant
Amendment Act, 1968-69*.

An Act to amend
The Landlord and Tenant Act

1st Reading

November 25th, 1969

2nd Reading

December 3rd, 1969

3rd Reading

MR. WISHART

*(Reprinted as amended by the
Legal and Municipal Committee)*

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Landlord and Tenant Act

MR. WISHART

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Landlord and Tenant Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 206, s. 1,
amended

(ba) "residential premises" means premises used for residential purposes, and does not include premises occupied for business purposes with living accommodation attached under a single lease.

2. *The Landlord and Tenant Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 206,
amended

1a. The provisions of Parts I, II and III of this Act in so far as they apply to tenancies of residential premises are subject to Part IV. Application

3. *The Landlord and Tenant Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 206,
amended

PART IV

RESIDENTIAL TENANCIES

80. In this Part,

Interpre-
tation

(a) "security deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;

- (b) “tenancy agreement” means an agreement between a tenant and a landlord for possession of residential premises, whether written, oral or implied.

Application
of Part

81.—(1) This Part applies to tenancies of residential premises and tenancy agreements notwithstanding any other Act or Parts I, II or III of this Act and notwithstanding any agreement or waiver to the contrary except as specifically provided in this Part.

Application
to existing
tenancies

(2) Except where otherwise expressly provided in this Part, this Part applies to tenancies under tenancy agreements entered into or renewed before and subsisting when this Part comes into force or entered into after this Part comes into force.

Delivery
of copy of
tenancy
agreement

82.—(1) Where a tenancy agreement in writing is executed by a tenant after this Part comes into force, the landlord shall ensure that a fully executed duplicate original copy of the tenancy agreement is delivered to the tenant within twenty-one days after its execution and delivery by the tenant.

Failure to
deliver copy
of tenancy
agreement

(2) Where the copy of a tenancy agreement is not delivered in accordance with subsection 1, the obligations of the tenant thereunder cease until such copy is delivered to him.

Security
deposits

83.—(1) A landlord shall not require or receive a security deposit from a tenant under a tenancy agreement entered into or renewed after this Part comes into force other than the rent for a rent period not exceeding one month, which payment shall be applied in payment of the rent for the last rent period under the tenancy agreement.

Interest

(2) A landlord shall pay annually to the tenant interest on the security deposit for rent referred to in subsection 1 at the rate of 6 per cent per year.

Post-dated
cheques

(3) After this Part comes into force, a landlord or a tenancy agreement shall not require the delivery of any post-dated cheque or other negotiable instrument to be used for payment of rent.

Security
deposits
already held

84.—(1) This section applies to security deposits held by landlords at the time this Part comes into force, other than security deposits for rent only as described in section 83.

- (2) The landlord shall pay interest annually on any ^{Interest} moneys held by him as a security deposit at the rate of 6 per cent per year.
- (3) Subject to subsection 4, the landlord shall pay the ^{Repayment} security deposit to the tenant, together with the unpaid interest that has accrued thereon within fifteen days after the tenancy is terminated or renewed, but a judge of the county or district court of the county or district in which the premises are situate may, upon summary application therefor, extend the time to such longer period as he considers proper.
- (4) Where the landlord proposes to retain any amount ^{Retentions} out of the security deposit, he shall so notify the tenant together with the particulars of and grounds for the retention and he shall not retain such amount unless,
- (a) the tenant consents thereto in writing after receipt of the notice; or
 - (b) he obtains an order of the judge under subsections 5 and 6.
- (5) A landlord may apply to a judge of the county or ^{Order for retention} district court in the county or district in which the premises are situate for an order authorizing the retention of all or part of a security deposit in the same manner as upon an application for termination of a tenancy and section 105 applies to the application *mutatis mutandis*.
- (6) Upon an application under subsection 5, the judge ^{Idem} may dismiss the application or order that all or part of the security deposit be retained by the landlord to be applied on account of any obligation or liability of the tenant for which the security deposit was taken.
- 85.—(1) No landlord shall distress for default in the ^{Distress abolished} payment of rent whether a right of distress has heretofore existed by statute, the common law or contract.
- (2) Subsection 1 applies to default in payment of rent ^{Application of sub-section 1} under a tenancy agreement entered into or renewed after this section comes into force and to default in payment under a tenancy agreement for a periodic tenancy of rent accruing after this section comes into force.

*Interesse
termini*
abolished

86.—(1) The doctrine of *interesse termini* is hereby abolished.

Idem

(2) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for commencement of the term, without actual entry.

Application
of section

(3) This section applies to tenancy agreements entered into or renewed after this section comes into force.

Frustration
R.S.O. 1960,
c. 157

87. The doctrine of frustration of contract applies to tenancy agreements and *The Frustrated Contracts Act* applies thereto.

Covenants
inter-
dependent

88. Subject to this Part, the common law rules respecting the effect of the breach of a material covenant by one party to a contract on the obligation to perform by the other party apply to tenancy agreements.

Covenants
in posse and
in esse

89. Covenants concerning things related to the rented premises run with the land whether or not the things are in existence at the time of the demise.

Right
to assign
or sublet

90.—(1) Subject to subsection 3, a tenant has the right to assign, sublet or otherwise part with possession of the rented premises.

Exception

(2) Subsection 1 does not apply to a tenant of premises administered by or for the Government of Canada or Ontario or a municipality, or any agency thereof, developed and financed under the *National Housing Act, 1954* (Canada).

1953-54,
c. 23 (Can.)

Consent

(3) A tenancy agreement may provide that the right of a tenant to assign, sublet or otherwise part with possession of the rented premises is subject to the consent of the landlord, and, where it is so provided, such consent shall not be arbitrarily or unreasonably withheld.

Charges

(4) A landlord shall not make any charge for giving his consent referred to in subsection 3, except his reasonable expenses incurred thereby.

Determin-
ation of
disputes

(5) A landlord or tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate who may determine any question arising under subsection 3 or 4.

91. Where a tenant abandons the premises in breach of the tenancy agreement, the landlord's right to damages is subject to the same obligation to mitigate his damages as applies generally under the rule of law relating to breaches of contract. ^{Mitigation of damages}
92. Except in cases of emergency and except where the landlord has a right to show the premises to prospective tenants at reasonable hours after notice of termination of the tenancy has been given, the landlord shall not exercise a right to enter the rented premises unless he has first given written notice to the tenant at least twenty-four hours before the time of entry, and the time of entry shall be during daylight hours and specified in the notice, except that nothing in this section shall be construed to prohibit entry with the consent of the tenant given at the time of entry. ^{Privacy}
93. No landlord or servant or agent of a landlord shall restrict reasonable access to the rented premises by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or a school board for the purpose of canvassing or distributing election material. ^{Entry by canvassers}
94. A landlord or tenant shall not, during occupancy of the rented premises by the tenant, alter or cause to be altered the locking system on any door giving entry to the rented premises except by mutual consent. ^{Alteration of locks}
- 95.—(1) A landlord is responsible for providing and maintaining the rented premises in a good state of repair and fit for habitation during the tenancy and for complying with health and safety standards, including any housing standards required by law, and notwithstanding that any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into. ^{Landlord's responsibility to repair}
- (2) The tenant is responsible for ordinary cleanliness of the rented premises and for the repair of damage caused by his wilful or negligent conduct or that of persons who are permitted on the premises by him. ^{Tenant's responsibility for cleanliness and damage}
- (3) The obligations imposed under this section may be enforced by summary application to a judge of the county or district court of the county or district in which the premises are situate and the judge may, ^{Enforcement}

- (a) terminate the tenancy subject to such relief against forfeiture as the judge sees fit;
- (b) authorize any repair that has been or is to be made and order the cost thereof to be paid by the person responsible to make the repair, such cost to be recovered by due process or by set-off;
- (c) make such further or other order as the judge considers appropriate.

Application

- (4) This section applies to tenancies under tenancy agreements entered into or renewed after this section comes into force and to periodic tenancies on the first anniversary date of such tenancies after this section comes into force and in all other cases the law applies as it existed immediately before this section comes into force.

Relief against acceleration clauses

- 96.—(1) Where default has occurred in the payment of rent due under a tenancy agreement or in the observance of any obligation of the tenant and under the terms of the tenancy agreement, by reason of such default, the whole or any part of remaining rent for the term of the tenancy has become due and payable, at any time before or after the commencement of an action for the enforcement of the rights of the landlord and before judgment, the tenant may,

- (a) pay the rent due, exclusive of the rent not payable by reason merely of lapse of time; or
- (b) perform the obligation, and pay any expenses necessarily incurred by the landlord,

and thereupon he is relieved from the consequences of the default.

Disputes

- (2) A landlord or tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate who may determine any question as to whether a tenant is entitled to relief under this section.

TERMINATION OF TENANCIES

Notice of termination of tenancy

- 97.—(1) A weekly or monthly or year to year tenancy may be terminated by either the landlord or the tenant upon notice to the other and, unless otherwise agreed upon, the notice,

- (a) shall meet the requirements of section 98;
 - (b) shall be given in the manner prescribed by section 99; and
 - (c) shall be given in sufficient time to give the period of notice required by section 100, 101 or 102, as the case may be.
- (2) Any other kind of tenancy determinable on notice^{Idem} may, unless otherwise agreed upon, be terminated as provided by sections 98 and 99.
- 98.—(1) A landlord or a tenant may give notice to^{Form of notice} terminate either orally or in writing, but a notice by a landlord to a tenant is not enforceable under section 105 unless it is in writing.
- (2) A notice in writing,^{Content of notice}
- (a) shall be signed by the person giving the notice, or his agent;
 - (b) shall identify the premises in respect of which the notice is given; and
 - (c) shall state the date on which the tenancy is to terminate or that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice.
- (3) A notice may state both,^{Idem}
- (a) the date on which the tenancy is to terminate; and
 - (b) that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice,
- and if it does state both and the date on which the tenancy is to terminate is incorrectly stated, the notice is nevertheless effective to terminate the tenancy on the last day of the period of the tenancy next following the giving of the notice.
- (4) A notice need not be in any particular form, but a^{Forms 4 and 5} notice by a landlord to a tenant may be in Form 4 and a notice by a tenant to a landlord may be in Form 5.

Manner of
giving
notice

99.—(1) Notice to terminate shall be given in the manner prescribed in section 108.

Substitu-
tional
service

(2) Where the tenant cannot be given notice by reason of his absence from the premises, or by reason of his evading service, the notice may be given to the tenant,

(a) by giving it to any adult person who apparently resides with the tenant; or

(b) by posting it up in a conspicuous place upon some part of the premises; or

(c) by sending it by registered mail to the tenant at the address where he resides.

Notice to
terminate
weekly
tenancy

100.—(1) A notice to terminate a weekly tenancy shall be given on or before the last day of one week of the tenancy to be effective on the last day of the following week of the tenancy.

Idem

(2) For the purposes of this section, "week of the tenancy" means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable.

Notice to
terminate
monthly
tenancy

101.—(1) A notice to terminate a monthly tenancy shall be given on or before the last day of one month of the tenancy to be effective on the last day of the following month of the tenancy.

Idem

(2) For the purposes of this section, "month of the tenancy" means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

Notice to
terminate
yearly
tenancy

102.—(1) A notice to terminate a year to year tenancy shall be given on or before the sixtieth day before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.

Idem

(2) For the purposes of this section, "year of the tenancy" means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.

103. Where a landlord rents more than one residential premises in the same building and retains possession of part for use of all tenants in common, the landlord shall post up conspicuously and maintain posted a copy of sections 97 to 102 and section 108, together with the legal name of the landlord and his address for service, and any proceeding taken by or on behalf of a tenant may be commenced against the landlord in the name so posted. Posting up notice provisions
- 104.—(1) A landlord is entitled to compensation for the use and occupation of premises after the tenancy has been terminated by notice. Compensation when premises not vacated
- (2) The acceptance by a landlord of arrears of rent or compensation for use or occupation of the premises after notice of termination of the tenancy has been given does not operate as a waiver of the notice or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree. Effect of payment by overholding tenant where tenancy terminated on notice
- (3) The burden of proof that the notice has been waived or the tenancy has been reinstated or a new tenancy created is upon the person so claiming. Burden of proof
- (4) A landlord's claim for arrears of rent or compensation for use and occupation by a tenant after the expiration or termination of the tenancy may be enforced by action or on summary application as provided in section 105. Enforcement of claim
- 105.—(1) A landlord or tenant may apply by summary application to the judge of the county or district court of the county or district in which the premises are situate for an order declaring that the tenancy agreement is terminated. Application for order declaring tenancy agreement terminated
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- (3) The judge shall in writing appoint a time and place for the hearing and the applicant shall serve a notice of the appointment and a copy of the application upon the other parties to the tenancy agreement at least fifteen days before the day appointed. Appointment
- (4) After a hearing, the judge shall determine the question of whether the tenancy agreement is terminated in whole or in part and may make an order for a writ of possession or such other relief as may be equitable in the circumstances. Order

Recovery of
possession

106.—(1) Unless a tenant has vacated or abandoned rented premises, the landlord shall not regain possession of the premises on the grounds he is entitled to possession except under the authority of a writ of possession obtained under section 105 or under Part III.

Defences to
proceedings
for
possession

(2) In any proceeding by a landlord for possession, if it appears to the judge that,

(a) the notice to quit was given because of the tenant's complaint to any governmental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards, including any housing standard law; or

(b) the notice to quit was given because of the tenant's attempt to secure or enforce his legal rights,

the judge may refuse to grant an order or writ for possession and may declare the notice to quit invalid and the notice to quit shall be deemed not to have been given.

Penalties

107.—(1) Any person who knowingly contravenes section 83, 84, 93, 94 or 106 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$1,000.

Order for
payment of
security
deposit

(2) Where a landlord is convicted of the offence of contravening section 83 or 84, the provincial judge making the conviction may order the landlord to pay to the tenant the security deposit or any part thereof that is unpaid.

Service of
notices, etc.

108.—(1) Except as otherwise provided in this Part,

(a) any notice, process or document required or permitted to be delivered or given by a tenant to a landlord is sufficiently given or delivered if delivered personally to the landlord or his agent or sent by ordinary mail addressed to the landlord at the address posted under section 103;

(b) any notice, process or document required or permitted to be delivered or given by a landlord to a tenant shall be given or delivered personally to the tenant.

- (2) Where a document is given or delivered by mail, it ^{Idem} shall be deemed to have been given or delivered on the third day after the date of mailing.
- (3) Notwithstanding subsections 1 and 2, a judge may ^{Exception} order any other method of service in respect of any matter before him.

LANDLORD AND TENANT ADVISORY BUREAU

- 109.—(1) In this section, “municipality” means a local ^{Municipality defined} municipality and includes a metropolitan municipality and a regional municipality but does not include an area municipality thereof.
- (2) The council of a municipality may by by-law ^{By-laws to establish Landlord and Tenant Advisory Bureau} establish a Landlord and Tenant Advisory Bureau.
- (3) The functions of a Landlord and Tenant Advisory ^{Functions of Bureau} Bureau are,
- (a) to advise landlords and tenants in tenancy matters;
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 - (c) to disseminate information for the purpose of educating and advising landlords and tenants concerning rental practices, rights and remedies; and
 - (d) to receive and investigate complaints of conduct in contravention of legislation governing tenancies.

4. *The Landlord and Tenant Act* is amended by adding ^{R.S.O. 1960 c. 206, amended} thereto the following forms:

FORM 4

NOTICE TO TENANT

To.....
(Name of Tenant)

I hereby give you notice to deliver up possession of the premises

.....
(Identify the premises)

which you hold of me as tenant, on the.....day of.....
next, or on the last day of the period of your tenancy next following
the giving of this notice.

Dated this.....day of....., 19.....

.....
(Landlord)

FORM 5

NOTICE TO LANDLORD

To.....
(Name of Landlord)

I hereby give you notice that I am giving up possession of the premises

.....
(identify the premises)

which I hold of you as tenant, on the.....day of.....
next, or on the last day of the period of my tenancy next following the
giving of this notice.

Dated this.....day of....., 19.....

.....
(Tenant)

Commence-
ment

5. This Act comes into force on the 1st day of January,
1970.

Short title

6. This Act may be cited as *The Landlord and Tenant
Amendment Act, 1968-69*.

An Act to amend
The Landlord and Tenant Act, 1954

1st Reading

November 25th, 1969

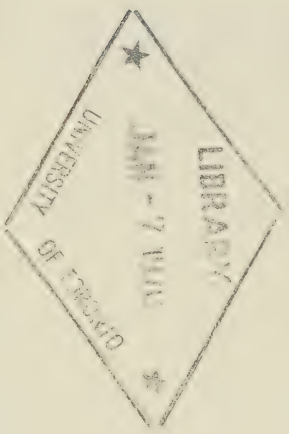
2nd Reading

December 3rd, 1969

3rd Reading

December 17th, 1969

Mr. WISHART



BILL 235

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Regional Municipality of Niagara Act, 1968-69**

MR. McKEOUGH



EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that a local municipality to which a part of another local municipality is annexed is also a merged area under the Act.

SECTION 2. Because of the dissolution of the counties of Welland and Lincoln it is necessary for the purposes of the selection of juries under *The Jurors Act* to refer to the chairman and the financial officer instead of the warden and treasurer of the county.

BILL 235

1968-69

**An Act to amend
The Regional Municipality of Niagara Act,
1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding at the end thereof "or the local municipality to which such part is annexed or the Township of Wainfleet", so that the clause shall read as follows:

(j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed or the Township of Wainfleet.

2. Subsection 3 of section 6 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding at the end thereof "and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22", so that the subsection shall read as follows:

(3) On and after the 1st day of January, 1970, each of the judicial districts of Niagara North and Niagara South, as described in section 5a of *The Territorial Division Act*, shall be deemed to be a county for all judicial purposes and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22.

1968-69, c. 10, subs. 3, amended
3. Subsection 3 of section 10 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "1970" in the second line "and in the year 1973", so that the subsection shall read as follows:

First meeting of Regional Council

- (3) The first meeting of the Regional Council in the year 1970 and in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

1968-69, c. 10, subs. 3, amended

4. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Existing speed limits continued in 1970
 R.S.O. 1960, c. 172

- 81a.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* during the year 1970 the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

By-laws of Regional Council and area councils

- (2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing by-laws under s. 59 of R.S.O. 1960, c. 172 continued

- (3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto during the year 1970 until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

1968-69, c. 117, s. 117, re-enacted

5. Section 117 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Police costs in area municipalities

- 117.—(1) For the year 1970, the expenses of the board of commissioners of police for each area municipality, including the cost of maintaining, operating and administering a police force in the area municipality, shall be borne by the area municipality.

SECTION 3. The reference to the year 1973 was inadvertently omitted and the amendment corrects this omission.

SECTION 4. With the exception of the townships of West Lincoln and Wainfleet, the parts of the Regional Area formerly in townships will on January 1st, 1970, become parts of a city or town. By the application of *The Highway Traffic Act*, certain changes in speed limits will take place, particularly from 50 m.p.h. to 30 m.p.h. in rural areas. It is, therefore, proposed to continue existing speed limits in the Regional Area for one year subject to the authority of the Regional Corporation and the area municipalities to pass by-laws under section 59 of *The Highway Traffic Act*.

SECTION 5. Section 117 is revised for the purpose of clarification.

SECTION 6. The amendment is to correct a reference.

SECTION 7. Self-explanatory.

SECTION 8. The new subsection 2a deems the City of St. Catharines to be an approved corporation under *The Elderly Persons Centres Act, 1966*.

The new subsection 2b authorizes the council of the City, which now has a population of over 100,000, to pass licensing by-laws which boards of commissioners of police of cities of over 100,000 may pass under *The Municipal Act*.

- (2) The estimated expenses of the Niagara Police Board, excluding the approved estimates of the boards of commissioners of police of the area municipalities shall, subject to subsection 3 of section 13 of *The Police Act*, be included in the sum to be raised by levy under section 126. Levy against area municipalities
R.S.O. 1960, c. 298

- (3) An area municipality may pay, Rates for cost of policing
- (a) the expenses referred to in subsection 1; and
 - (b) the amounts chargeable to it in the year 1970 for the expenses of the Niagara Police Board and in each year thereafter in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126,

out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

- (4) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes. Farm lands

6. Clause *c* of subsection 8 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "18" in the seventh line and inserting in lieu thereof "14". 1968-69
c. . . . s. 163,
subs. 8, cl. c.
amended

7. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section: 1968-69,
c. . . .
amended

174a.—(1) The Welland County Library Co-operative is dissolved on the 1st day of January, 1970. Library
Co-operative
dissolved

- (2) All the assets and liabilities of The Welland County Library Co-operative become, on the 1st day of January, 1970, assets and liabilities of The Welland County Board of Education. Assets and liabilities

8. Section 183 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following subsections: 1968-69,
c. . . .
s. 183,
amended

- (2a) The Corporation of the City of St. Catharines shall be deemed to be an approved corporation under *The Elderly Persons Centres Act, 1966*. Application of 1966, c. 50, to St. Catharines

St.
Catharines
deemed city
under
100,000 re
licensing
by-laws
R.S.O. 1960,
c. 249.

- (2b) The council of the City of St. Catharines may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69.
c.
amended

- 9.** *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Boards in
City of
Port
Colborne
dissolved

- 183a.—(1) The following boards and committee of the City of Port Colborne are hereby dissolved on the 1st day of January, 1970:

1. Port Colborne—Humberstone Community Centre Board;
2. Port Colborne Parks Community Centre Board;
3. Port Colborne Recreation Committee,

and on such date all the assets and liabilities of such boards and committee become the assets and liabilities of The Corporation of the City of Port Colborne without compensation.

Council of
Port
Colborne
deemed
community
centre,
board, etc.
R.S.O. 1960,
cc. 94, 60

- (2) The council of the City of Port Colborne shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Employees

- (3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of Port Colborne, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Application
of s. 27

- (4) Subsections 10 and 11 of section 27 apply *mutatis mutandis* to any employee who accepts employment under subsection 3.

1968-69,
c.
amended

- 10.** *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

SECTION 9. Self-explanatory. This provision is similar to section 183 of the Act with respect to the City of St. Catharines.

SECTION 10. Self-explanatory.

184a. The expenditures of the Regional Corporation during the year 1969, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. ^{Expenditures of Regional Corporation during 1969}

11.—(1) This Act, except sections 5, 8 and 9, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Sections 5, 8 and 9 come into force on the 1st day of January, 1970. ^{Idem}

12. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1968-69*. ^{Short title}

An Act to amend
The Regional Municipality of Niagara Act,
1968-69

1st Reading

November 26th, 1969

2nd Reading

3rd Reading

MR. McKEOUGH

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Regional Municipality of Niagara Act, 1968-69**

MR. McKEOUGH

(Reprinted as amended by the Committee of the Whole House)



TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that a local municipality to which a part of another local municipality is annexed is also a merged area under the Act.

SECTION 2. Because of the dissolution of the counties of Welland and Lincoln it is necessary for the purposes of the selection of juries under *The Jurors Act* to refer to the chairman and the financial officer instead of the warden and treasurer of the county.

BILL 235

1968-69

**An Act to amend
The Regional Municipality of Niagara Act,
1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding at the end thereof "or the local municipality to which such part is annexed or the Township of Wainfleet", so that the clause shall read as follows:

- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed or the Township of Wainfleet.

2. Subsection 3 of section 6 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding at the end thereof "and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22", so that the subsection shall read as follows:

- (3) On and after the 1st day of January, 1970, each of the judicial districts of Niagara North and Niagara South, as described in section 5a of *The Territorial Division Act*, shall be deemed to be a county for all judicial purposes and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22.

1968-69,
c. 10, subs. 3,
amended

3. Subsection 3 of section 10 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "1970" in the second line "and in the year 1973", so that the subsection shall read as follows:

First
meeting
of Regional
Council

- (3) The first meeting of the Regional Council in the year 1970 and in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

1968-69,
c. . . .,
amended

4. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Existing
speed limits
continued
in 1970
R.S.O. 1960,
c. 172

- 81a.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* during the year 1970 the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

By-laws of
Regional
Council and
area councils

- (2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
by-laws
under s. 59
of R.S.O.
1960, c. 172
continued

- (3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto during the year 1970 until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

1968-69,
c. 117,
re-enacted

5. Section 117 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Police costs
in area
municipalities

- 117.—(1) For the year 1970, the expenses of the board of commissioners of police for each area municipality, including the cost of maintaining, operating and administering a police force in the area municipality, shall be borne by the area municipality.

SECTION 3. The reference to the year 1973 was inadvertently omitted and the amendment corrects this omission.

SECTION 4. With the exception of the townships of West Lincoln and Wainfleet, the parts of the Regional Area formerly in townships will on January 1st, 1970, become parts of a city or town. By the application of *The Highway Traffic Act*, certain changes in speed limits will take place, particularly from 50 m.p.h. to 30 m.p.h. in rural areas. It is, therefore, proposed to continue existing speed limits in the Regional Area for one year subject to the authority of the Regional Corporation and the area municipalities to pass by-laws under section 59 of *The Highway Traffic Act*.

SECTION 5. Section 117 is revised for the purpose of clarification.

SECTION 6. The amendment is to correct a reference.

SECTION 7. Self-explanatory.

SECTION 8. The new subsection 2*a* deems the City of St. Catharines to be an approved corporation under *The Elderly Persons Centres Act, 1966*.

The new subsection 2*b* authorizes the council of the City, which now has a population of over 100,000, to pass licensing by-laws which boards of commissioners of police of cities of over 100,000 may pass under *The Municipal Act*.

- (2) The estimated expenses of the Niagara Police Board, excluding the approved estimates of the boards of commissioners of police of the area municipalities shall, subject to subsection 3 of section 13 of *The Police Act*, be included in the sum to be raised by levy under section 126. Levy against area municipalities
R.S.O. 1960, c. 298

- (3) An area municipality may pay, Rates for cost of policing
- (a) the expenses referred to in subsection 1; and
 - (b) the amounts chargeable to it in the year 1970 for the expenses of the Niagara Police Board and in each year thereafter in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126,

out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

- (4) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes. Farm lands

6. Clause *c* of subsection 8 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "18" in the seventh line and inserting in lieu thereof "14". 1968-69 c. . . s. 163, subs. 8, cl. c, amended

7. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section: 1968-69, c. . . amended

174a.—(1) The Welland County Library Co-operative is dissolved on the 1st day of January, 1970. Library Co-operative dissolved

- (2) All the assets and liabilities of The Welland County Library Co-operative become, on the 1st day of January, 1970, assets and liabilities of The Welland County Board of Education. Assets and liabilities

8. Section 183 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following subsections: 1968-69, c. . . s. 183, amended

- (2a) The Corporation of the City of St. Catharines shall be deemed to be an approved corporation under *The Elderly Persons Centres Act, 1966*. Application of 1966, c. 50, to St. Catharines

St.
Catharines
deemed city
under
100,000 re
licensing
by-laws
R.S.O. 1960,
c. 249.

- (2b) The council of the City of St. Catharines may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69,
c. . . .,
amended

9. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Boards in
City of
Port
Colborne
dissolved

183a.—(1) The following boards and committee of the City of Port Colborne are hereby dissolved on the 1st day of January, 1970:

1. Port Colborne—Humberstone Community Centre Board;
2. Port Colborne Parks Community Centre Board;
3. Port Colborne Recreation Committee,

and on such date all the assets and liabilities of such boards and committee become the assets and liabilities of The Corporation of the City of Port Colborne without compensation.

Council of
Port
Colborne
deemed
community
centre,
board, etc.
R.S.O. 1960,
cc. 94, 60

- (2) The council of the City of Port Colborne shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Employees

- (3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of Port Colborne, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Application
of s. 27

- (4) Subsections 10 and 11 of section 27 apply *mutatis mutandis* to any employee who accepts employment under subsection 3.

1968-69,
c. . . .,
amended

10. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

SECTION 9. Self-explanatory. This provision is similar to section 183 of the Act with respect to the City of St. Catharines.

SECTION 10. Self-explanatory.

St.
Catharines
deemed city
under
100,000 re
licensing
by-laws
R.S.O. 1960,
c. 249.

- (2b) The council of the City of St. Catharines may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69,
c. . . .
amended

9. The Regional Municipality of Niagara Act, 1968-69 is amended by adding thereto the following section:

Boards in
City of
Port
Colborne
dissolved

183a.—(1) The following boards and committee of the City of Port Colborne are hereby dissolved on the 1st day of January, 1970:

1. Port Colborne—Humberstone Community Centre Board;
2. Port Colborne Parks Community Centre Board;
3. Port Colborne Recreation Committee,

and on such date all the assets and liabilities of such boards and committee become the assets and liabilities of The Corporation of the City of Port Colborne without compensation.

Council of
Port
Colborne
deemed
community
centre,
board, etc.
R.S.O. 1960,
cc. 94, 60

- (2) The council of the City of Port Colborne shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Employees

- (3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of Port Colborne, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Application
of s. 27

- (4) Subsections 10 and 11 of section 27 apply *mutatis mutandis* to any employee who accepts employment under subsection 3.

1968-69,
c. . . .
amended

10. The Regional Municipality of Niagara Act, 1968-69 is amended by adding thereto the following section:

SECTION 9. Self-explanatory. This provision is similar to section 183 of the Act with respect to the City of St. Catharines.

SECTION 10. Self-explanatory.

SECTION 11. The section provides that section 245 of *The Municipal Act*, prohibiting certain acts of council after polling day, does not apply to local municipalities in the Regional Area during the year 1969.

184a. The expenditures of the Regional Corporation during the year 1969, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. Expenditures of Regional Corporation during 1969

11. Section 245 of *The Municipal Act* does not apply in the year 1969 to the council of a local municipality in the Regional Area. Application of R.S.O. 1960, c. 249, s. 245

12.—(1) This Act, except sections 5, 8 and 9, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 5, 8 and 9 come into force on the 1st day of January, 1970. Idem

13. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1968-69*. Short title

An Act to amend
The Regional Municipality of Niagara Act,
1968-69

1st Reading

November 26th, 1969

2nd Reading

December 2nd, 1969

3rd Reading

MR. McKEOUGH

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 235

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Regional Municipality of Niagara Act, 1968-69**

MR. McKEOUGH

BILL 235

1968-69

**An Act to amend
The Regional Municipality of Niagara Act,
1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding at the end thereof "or the local municipality to which such part is annexed or the Township of Wainfleet", so that the clause shall read as follows:

- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed or the Township of Wainfleet.

2. Subsection 3 of section 6 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding at the end thereof "and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22", so that the subsection shall read as follows:

- (3) On and after the 1st day of January, 1970, each of the judicial districts of Niagara North and Niagara South, as described in section 5a of *The Territorial Division Act*, shall be deemed to be a county for all judicial purposes and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22.

1968-69,
C. 117,
S. 10, subs. 3,
amended

3. Subsection 3 of section 10 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "1970" in the second line "and in the year 1973", so that the subsection shall read as follows:

First
meeting
of Regional
Council

- (3) The first meeting of the Regional Council in the year 1970 and in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

1968-69,
C. 117,
amended

4. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Existing
speed limits
continued
in 1970
R.S.O. 1960,
c. 172

- 81a.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* during the year 1970 the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

By-laws of
Regional
Council and
area councils

- (2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
by-laws
under s. 59
of R.S.O.
1960, c. 172
continued

- (3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto during the year 1970 until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

1968-69,
C. 117,
S. 117,
re-enacted

5. Section 117 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Police costs
in area
municipalities

- 117.—(1) For the year 1970, the expenses of the board of commissioners of police for each area municipality, including the cost of maintaining, operating and administering a police force in the area municipality, shall be borne by the area municipality.

- (2) The estimated expenses of the Niagara Police Board, excluding the approved estimates of the boards of commissioners of police of the area municipalities shall, subject to subsection 3 of section 13 of *The Police Act*, be included in the sum to be raised by levy under section 126. Levy against area municipalities
R.S.O. 1960, c. 298

- (3) An area municipality may pay, Rates for cost of policing

(a) the expenses referred to in subsection 1; and

(b) the amounts chargeable to it in the year 1970 for the expenses of the Niagara Police Board and in each year thereafter in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126,

out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

- (4) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes. Farm lands

6. Clause *c* of subsection 8 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "18" in the seventh line and inserting in lieu thereof "14". 1968-69
c. . . ., s. 163,
subs. 8, cl. c,
amended

7. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section: 1968-69,
c. . . ., amended

174a.—(1) The Welland County Library Co-operative is dissolved on the 1st day of January, 1970. Library Co-operative dissolved

- (2) All the assets and liabilities of The Welland County Library Co-operative become, on the 1st day of January, 1970, assets and liabilities of The Welland County Board of Education. Assets and liabilities

8. Section 183 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following subsections: 1968-69,
c. . . ., s. 183,
amended

- (2a) The Corporation of the City of St. Catharines shall be deemed to be an approved corporation under *The Elderly Persons Centres Act, 1966*. Application of 1966, c. 50, to St. Catharines

St.
Catharines
deemed city
under
100,000 re
licensing
by-laws
R.S.O. 1960,
c. 249.

- (2b) The council of the City of St. Catharines may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69,
c. . . .
amended

9. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Boards in
City of
Port
Colborne
dissolved

183a.—(1) The following boards and committee of the City of Port Colborne are hereby dissolved on the 1st day of January, 1970:

1. Port Colborne—Humberstone Community Centre Board;
2. Port Colborne Parks Community Centre Board;
3. Port Colborne Recreation Committee,

and on such date all the assets and liabilities of such boards and committee become the assets and liabilities of The Corporation of the City of Port Colborne without compensation.

Council of
Port
Colborne
deemed
community
centre,
board, etc.
R.S.O. 1960,
cc. 94, 60

- (2) The council of the City of Port Colborne shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Employees

- (3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of Port Colborne, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Application
of s. 27

- (4) Subsections 10 and 11 of section 27 apply *mutatis mutandis* to any employee who accepts employment under subsection 3.

1968-69,
c. . . .
amended

10. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

184a. The expenditures of the Regional Corporation during the year 1969, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. Expenditures of Regional Corporation during 1969

11. Section 245 of *The Municipal Act* does not apply in the year 1969 to the council of a local municipality in the Regional Area. Application of R.S.O. 1960, c. 249, s. 245

12.—(1) This Act, except sections 5, 8 and 9, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 5, 8 and 9 come into force on the 1st day of January, 1970. Idem

13. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1968-69*. Short title

An Act to amend
The Regional Municipality of Niagara Act,
1968-69

1st Reading

November 26th, 1969

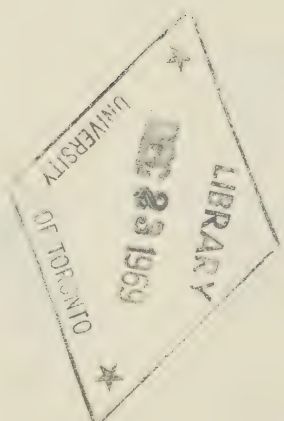
2nd Reading

December 2nd, 1969

3rd Reading

December 8th, 1969

Mr. McKEOUGH



AZON
B
B 56

BILL 236

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Legislative Assembly Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The indemnity of members is increased from \$8,000 to \$12,000 per annum.

Subsection 2. The allowance for expenses of \$3,000 and \$4,000 are increased to \$6,000 per annum.

Subsection 3. The amount of advances authorized is increased from \$650 per month to \$1,000 per month.

SECTION 2. The indemnity of the Speaker is increased from \$3,000 to \$5,000 and of the Leader of the Opposition from \$12,000 to \$15,000. The leader of the party having a recognized membership of twelve or more members in the Assembly will receive an indemnity of \$4,000 per annum.

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, as re-enacted by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1965*, is amended by striking out “\$8,000” in the first line and inserting in lieu thereof “\$12,000”, so that the subsection shall read as follows:

- (1) An indemnity at the rate of \$12,000 per annum shall be paid to every member of the Assembly. R.S.O. 1960,
c. 208, s. 60,
subs. 1
(1965, c. 56,
s. 1, subs. 1),
amended

(2) Subsection 1a of the said section 60, as enacted by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1965*, is repealed and the following substituted therefor:

- (1a) An allowance for expenses at the rate of \$6,000 per annum shall be paid to every member of the Assembly. R.S.O. 1960,
c. 208, s. 60,
subs. 1a
(1965, c. 56,
s. 1, subs. 1),
re-enacted

(3) Subsection 4 of the said section 60, as re-enacted by section 1 of *The Legislative Assembly Amendment Act, 1968*, is amended by striking out “\$650” in the fifth line and inserting in lieu thereof “\$1,000”, so that the subsection shall read as follows:

- (4) Notwithstanding subsection 3, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity not exceeding \$1,000 per month and any part of his allowance for expenses not exceeding one-twelfth of his annual allowance for expenses per month. R.S.O. 1960,
c. 208, s. 60,
subs. 4
(1968, c. 62,
s. 1),
amended

2. Section 62 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 208, s. 62,
re-enacted

Indemnity of
Speaker,
Leader of
Opposition
and leader of
a minority
party

62.—(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$5,000 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$15,000 per annum; and
- (c) to the leader of a party, except the Prime Minister and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$4,000 per annum.

computation

- (2) For the purpose of computing the amount of any indemnity payable under this section, the Speaker, Leader of the Opposition and leader of a party referred to in clause *c* of subsection 1, respectively, shall be deemed to have occupied the position from the polling day on which he was elected a member of the Assembly and, when the Legislature in which he occupied the position was dissolved, he shall be deemed to have occupied the position until the day preceding the polling day that followed the dissolution, or until his death, whichever occurs first; provided that, when the occupant of the position changes, the member succeeding to the position shall be deemed to have occupied the position from the day following that on which his predecessor ceased to occupy the position.

when paid

- (3) Every indemnity under this section shall be paid on the 31st day of March in each year, but when the Speaker, Leader of the Opposition or leader of a party referred to in clause *c* of subsection 1, as the case may be, ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith.

advances

- (4) Notwithstanding subsection 3, upon the request of the Speaker, the Leader of the Opposition or the leader of a party referred to in clause *c* of subsection 1, there shall be paid, out of the moneys that have accrued to him under this section at the time the request is made, any part of his indemnity under subsection 1 not exceeding one-twelfth of his indemnity per month.

R.S.O. 1960,
c. 208, s. 63,
re-enacted

3. Section 63 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

SECTION 3. The sessional indemnity of the Chairman of the Committees of the Whole House is increased from \$2,000 to \$4,000 and a sessional indemnity of \$2,000 is to be paid to the Deputy Chairman. The chairman of each standing committee will receive a sessional indemnity of \$1,000.

The new section 63*a* provides for an annual indemnity for the Chief Government Whip of \$2,000, for each of not more than two Deputy Government Whips of \$1,000 and for the Opposition Whip and the whip of each party having twelve or more members in the Assembly of \$1,000.

63.—(1) In addition to his indemnity as a member,^{Chairman and Deputy Chairman of Whole House and chairmen of standing committees, there shall be paid for each session,}

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House an indemnity of \$4,000;
- (b) to the Deputy Chairman of the Committees of the Whole House an indemnity of \$2,000; and
- (c) to the chairman of each standing committee an indemnity of \$1,000,

but no indemnity shall be paid to the chairman of a standing committee unless the committee has become organized and has dealt with matters properly before it.

- (2) Every indemnity under this section shall be paid^{When paid} at the close of the session, and if in any session more than one person occupied the position, the indemnity shall be divided among them in proportion to the time that each occupied the position during the session.

63a.—(1) In addition to his indemnity as a member,^{Whips, indemnities} an indemnity shall be paid,

- (a) to the Chief Government Whip, at the rate of \$2,000 per annum;
- (b) to each of not more than two Deputy Government Whips, at the rate of \$1,000 per annum;
- (c) to the Opposition Whip, at the rate of \$1,000 per annum; and
- (d) to the party whip of each party that has a recognized membership of twelve or more persons in the Assembly, except the party from which the Government is chosen and the party recognized as the Official Opposition, at the rate of \$1,000 per annum.

- (2) Every indemnity under this section shall be paid^{when paid} on the 31st day of March in each year, but when the person occupying such position ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith.

R.S.O. 1960,
c. 208, s. 64
(1965, c. 56,
s. 2), subs. 1,
amended

4. Subsection 1 of section 64 of *The Legislative Assembly Act*, as re-enacted by section 2 of *The Legislative Assembly Amendment Act, 1965*, is amended by striking out "fifteen" in the second line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Members'
mileage
allowance

- (1) There shall be allowed to each member of the Assembly in respect of thirty trips per annum from his place of residence to the seat of government at Toronto 10 cents for every mile of the distance between his place of residence to Toronto and return, which distance shall be determined and certified by the Speaker.

Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of April, 1969.

Short title

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1968-69 (No. 2)*.

SECTION 4. The members' mileage allowance is increased from 15 trips to 30 trips per annum.

An Act to amend
The Legislative Assembly Act

1st Reading

November 27th, 1969

2nd Reading

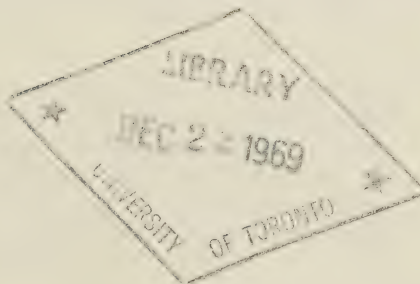
3rd Reading

MR. ROBARTS

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Legislative Assembly Act

MR. ROBERTS



BILL 236

1968-69

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, as re-enacted by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1965*, is amended by striking out “\$8,000” in the first line and inserting in lieu thereof “\$12,000”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 208, s. 60,
subs. 1
(1965, c. 56,
s. 1, subs. 1),
amended

- (1) An indemnity at the rate of \$12,000 per annum shall be paid to every member of the Assembly.

Members'
indemnities

(2) Subsection 1a of the said section 60, as enacted by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 208, s. 60,
subs. 1a
(1965, c. 56,
s. 1, subs. 1),
re-enacted

- (1a) An allowance for expenses at the rate of \$6,000 per annum shall be paid to every member of the Assembly.

Members'
allowances

(3) Subsection 4 of the said section 60, as re-enacted by section 1 of *The Legislative Assembly Amendment Act, 1968*, is amended by striking out “\$650” in the fifth line and inserting in lieu thereof “\$1,000”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 208, s. 60,
subs. 4
(1968, c. 63,
s. 1),
amended

- (4) Notwithstanding subsection 3, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity not exceeding \$1,000 per month and any part of his allowance for expenses not exceeding one-twelfth of his annual allowance for expenses per month.

Advances

2. Section 62 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 208, s. 62,
re-enacted

Indemnity of
Speaker,
Leader of
Opposition
and leader of
a minority
party

62.—(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$5,000 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$15,000 per annum; and
- (c) to the leader of a party, except the Prime Minister and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$4,000 per annum.

computation

- (2) For the purpose of computing the amount of any indemnity payable under this section, the Speaker, Leader of the Opposition and leader of a party referred to in clause *c* of subsection 1, respectively, shall be deemed to have occupied the position from the polling day on which he was elected a member of the Assembly and, when the Legislature in which he occupied the position was dissolved, he shall be deemed to have occupied the position until the day preceding the polling day that followed the dissolution, or until his death, whichever occurs first; provided that, when the occupant of the position changes, the member succeeding to the position shall be deemed to have occupied the position from the day following that on which his predecessor ceased to occupy the position.

when paid

- (3) Every indemnity under this section shall be paid on the 31st day of March in each year, but when the Speaker, Leader of the Opposition or leader of a party referred to in clause *c* of subsection 1, as the case may be, ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith.

advances

- (4) Notwithstanding subsection 3, upon the request of the Speaker, the Leader of the Opposition or the leader of a party referred to in clause *c* of subsection 1, there shall be paid, out of the moneys that have accrued to him under this section at the time the request is made, any part of his indemnity under subsection 1 not exceeding one-twelfth of his indemnity per month.

R.S.O. 1960,
c. 208, s. 63,
re-enacted

3. Section 63 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

63.—(1) In addition to his indemnity as a member,^{Chairman and Deputy Chairman of Whole House and chairmen of standing committees, indemnity} there shall be paid for each session,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House an indemnity of \$4,000;
- (b) to the Deputy Chairman of the Committees of the Whole House an indemnity of \$2,000; and
- (c) to the chairman of each standing committee an indemnity of \$1,000,

but no indemnity shall be paid to the chairman of a standing committee unless the committee has become organized and has dealt with matters properly before it.

- (2) Every indemnity under this section shall be paid^{When paid} at the close of the session, and if in any session more than one person occupied the position, the indemnity shall be divided among them in proportion to the time that each occupied the position during the session.

63a.—(1) In addition to his indemnity as a member,^{Whips, indemnities} an indemnity shall be paid,

- (a) to the Chief Government Whip, at the rate of \$2,000 per annum;
- (b) to each of not more than two Deputy Government Whips, at the rate of \$1,000 per annum;
- (c) to the Opposition Whip, at the rate of \$1,000 per annum; and
- (d) to the party whip of each party that has a recognized membership of twelve or more persons in the Assembly, except the party from which the Government is chosen and the party recognized as the Official Opposition, at the rate of \$1,000 per annum.

- (2) Every indemnity under this section shall be paid^{when paid} on the 31st day of March in each year, but when the person occupying such position ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith.

R.S.O. 1960,
c. 208, s. 64
(1965, c. 56,
s. 2), subs. 1,
amended

4. Subsection 1 of section 64 of *The Legislative Assembly Act*, as re-enacted by section 2 of *The Legislative Assembly Amendment Act, 1965*, is amended by striking out "fifteen" in the second line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Members'
mileage
allowance

- (1) There shall be allowed to each member of the Assembly in respect of thirty trips per annum from his place of residence to the seat of government at Toronto 10 cents for every mile of the distance between his place of residence to Toronto and return, which distance shall be determined and certified by the Speaker.

Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of April, 1969.

Short title

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1968-69 (No. 2)*.

An Act to amend
The Legislative Assembly Act

1st Reading

November 27th, 1969

2nd Reading

December 2nd, 1969

3rd Reading

December 8th, 1969

MR. ROBARTS

BILL 237

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Executive Council Act

Mr. ROBARTS

EXPLANATORY NOTE

The Bill increases the annual salary of the Prime Minister from \$16,000 to \$20,000, of each other minister of the Crown having charge of a department from \$12,000 to \$15,000 and of ministers without portfolio from \$2,500 to \$5,000.

BILL 237

1968-69

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Executive Council Act* is amended by striking out “\$12,000” in the second line and inserting in lieu thereof “\$15,000”, so that the subsection shall read as follows: R.S.O. 1960,
c. 127, s. 3,
subs. 1,
amended

(1) The annual salary of every minister having charge of a department is \$15,000. Salaries

(2) Subsection 2 of the said section 3 is amended by striking out “\$4,000” in the third line and inserting in lieu thereof “\$5,000”, so that the subsection shall read as follows: R.S.O. 1960,
c. 127, s. 3,
subs. 2,
amended

(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, \$5,000 per annum. Additional
salary for
First
Minister

(3) Subsection 3 of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960,
c. 127, s. 3,
subs. 3,
re-enacted

(3) The annual salary of every minister without portfolio is \$5,000. Salary of
minister
without
portfolio

2. This Act shall be deemed to have come into force on the 1st day of April, 1969. Commence-
ment

3. This Act may be cited as *The Executive Council Amendment Act, 1968-69*. Short title

An Act to amend
The Executive Council Act

1st Reading

November 27th, 1969

2nd Reading

3rd Reading

MR. ROBARTS

3
356

BILL 237

Government
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Executive Council Act

Mr. ROBERTS



TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 237

1968-69

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Executive Council Act* is amended by striking out “\$12,000” in the second line and inserting in lieu thereof “\$15,000”, so that the subsection shall read as follows: R.S.O. 1960,
c. 127, s. 3,
subs. 1,
amended

(1) The annual salary of every minister having charge of a department is \$15,000. Salaries

(2) Subsection 2 of the said section 3 is amended by striking out “\$4,000” in the third line and inserting in lieu thereof “\$5,000”, so that the subsection shall read as follows: R.S.O. 1960,
c. 127, s. 3,
subs. 2,
amended

(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, \$5,000 per annum. Additional
salary for
First
Minister

(3) Subsection 3 of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960,
c. 127, s. 3,
subs. 3,
re-enacted

(3) The annual salary of every minister without portfolio is \$5,000. Salary of
minister
without
portfolio

2. This Act shall be deemed to have come into force on the 1st day of April, 1969. Commence-
ment

3. This Act may be cited as *The Executive Council Amendment Act, 1968-69*. Short title

An Act to amend
The Executive Council Act

1st Reading

November 27th, 1969

2nd Reading

December 2nd, 1969

3rd Reading

December 8th, 1969

Mr. ROBARTS

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Separate Schools Act

MR. DAVIS



TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. This amendment is to amend the date by which a separate school board is to apply to the municipal council for the levying and collecting of the sums required for separate school purposes. This will make the date of application the same as for a board of education or a public school board.

SECTION 2. The provision is extended to include room and board allowance as well as transportation costs.

BILL 238

1968-69

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 1 of section 45 of *The Separate Schools Act*, as amended by section 3 of *The Separate Schools Amendment Act, 1968*, is further amended by striking out "February" in the third line and inserting in lieu thereof "March", so that the clause shall read as follows:

R.S.O. 1960,
c. 368, s. 45,
subs. 1, cl. *f*,
amended

- (f) where the board does not appoint a collector, ^{collection of rates} to apply to the municipal council, on or before the 1st day of March in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums.

2. Section 59a of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 59a
(1960-61,
c. 94, s. 6),
re-enacted

59a. Where some of the supporters of a separate school reside in a municipality or in territory without municipal organization and in a high school district and other supporters of the separate school reside in another municipality or in territory without municipal organization and not in a high school district, and the separate school board, ^{Levy for costs for transportation and board and lodging of high school pupils not resident in high school district}

(a) provides daily transportation; or

(b) reimburses the parents or guardians for the cost of board, lodging, and transportation once a week under subsection 6 of section 37 of *The Schools Administration Act*,

R.S.O. 1960,
c. 361

for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the high school district, such separate school board may levy the cost of such transportation or reimbursement for the preceding year, less the legislative grants paid thereon, on the supporters who do not reside in the high school district.

R.S.O. 1960, c. 368, s. 74 (1968, c. 125, s. 6), amended **3.** Section 74 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection:

Application of ss. 81-83 to Windsor

(4a) Sections 81, 82 and 83 apply *mutatis mutandis* to the City of Windsor and The Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor.

R.S.O. 1960, c. 368, s. 75 (1968, c. 125, s. 6), subs. 2, cl. c, repealed **4.** Clause c of subsection 2 of section 75 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 368, s. 76 (1968, c. 125, s. 6), subs. 7, re-enacted **5.** Subsection 7 of section 76 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

Application of Part

(7) Except where inconsistent with this section, the other provisions of this Part in respect of county combined separate school boards, apply *mutatis mutandis* to the board established under subsection 2, except that the references to the years 1968, 1969 and 1970, wherever they occur, shall be deemed to refer to the years 1969, 1970 and 1971 respectively.

R.S.O. 1960, c. 368, s. 79 (1968, c. 125, s. 6), amended **6.** Section 79 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection:

Name of board in regional municipality

(4) Notwithstanding subsections 2 and 3 and except as provided in sections 76 and 77, a combined separate school board that has jurisdiction in all or part of a regional municipality is a corporation by the name of "The Roman Catholic Separate School Board" (*inserting a name selected by the board and approved by the Minister*).

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 2, amended **7.**—(1) Subsection 2 of section 84 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding at the commencement thereof "Subject to subsection 4" and by inserting after

SECTION 3. Subsection 4*a* makes the provisions regarding tax notices, the auditor and the publication of financial statements apply to the City of Windsor.

SECTION 4. Clause *c* is repealed as it is no longer required since the interim separate school organization committees have completed their work.

SECTION 5. The amendment is to make it clear that the provisions of this Part with respect to county combined separate school boards apply to The Ottawa Roman Catholic Separate School Board.

SECTION 6. Self-explanatory.

SECTION 7—Subsections 1 and 2. The amendment to clause *b* of subsection 4 provides that every county or district combined separate school board shall include at least one trustee elected by the separate school supporters of the county or district municipalities in the combined separate school zone. Subsection 2 is made subject to subsection 4 so that where a trustee is elected by the separate school supporters in the county or district municipalities and such supporters would not be entitled to elect a trustee but for the amendment to clause *b* of subsection 4, the election of such trustee will increase the total number of trustees on the board rather than decrease the number elected by the separate school supporters of the city or cities.

Subsection 3. These subsections are no longer required as they apply only to the year 1968.

“the” where it occurs the second time in the third line “county”, so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Subject to subsection 4, the number of trustees of a county combined separate school board shall be determined by the population of the county or counties in the county combined separate school zone, and the number of trustees of a district combined separate school board shall be determined by the population of the municipalities all or part of which are included in the district combined separate school zone, as the case may be, as follows, where the population is,
- Composition
of board

(2) Clause *b* of subsection 4 of the said section 84 is amended by adding at the end thereof “but in no case shall the number of trustees to be elected under this clause be fewer than one”, so that the clause shall read as follows:

R.S.O. 1960,
c. 368, s. 84
(1968, c. 125,
s. 6), subs. 4,
cl. *b*,
amended

- (*b*) of the county or district municipalities or the parts thereof shall be the number of trustees determined under subsection 2 less the total number of trustees determined under clause *a* for the city or cities, but in no case shall the number of trustees to be elected under this clause be fewer than one.

(3) Subsections 21, 22 and 24 of the said section 84 are repealed.

R.S.O. 1960,
c. 368, s. 84
(1968, c. 125
s. 6), subss.
21, 22, 24,
repealed

8.—(1) This Act, except sections 2, 3 and subsections 1 and 2 of section 7, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Subsections 1 and 2 of section 7 shall be deemed to have come into force on the 23rd day of June, 1968.

Idem

(3) Sections 2 and 3 come into force on the 1st day of January, 1970.

Idem

9. This Act may be cited as *The Separate Schools Amendment Act, 1968-69* (No. 2).

Short title

An Act to amend
The Separate Schools Act

1st Reading

November 28th, 1969

2nd Reading

3rd Reading

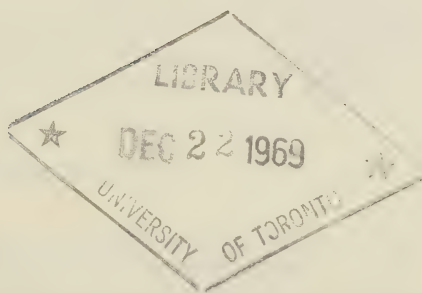
MR. DAVIS

BILL 238

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Separate Schools Act

MR. DAVIS



TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 238

1968-69

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 1 of section 45 of *The Separate Schools Act*, as amended by section 3 of *The Separate Schools Amendment Act, 1968*, is further amended by striking out "February" in the third line and inserting in lieu thereof "March", so that the clause shall read as follows:

R.S.O. 1960,
c. 368, s. 45,
subs. 1, cl. *f*,
amended

(f) where the board does not appoint a collector, to apply to the municipal council, on or before the 1st day of March in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums.

collection
of rates

2. Section 59a of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 59a,
(1960-61,
c. 94, s. 6),
re-enacted

59a. Where some of the supporters of a separate school reside in a municipality or in territory without municipal organization and in a high school district and other supporters of the separate school reside in another municipality or in territory without municipal organization and not in a high school district, and the separate school board,

Levy for
costs for
transporta-
tion and
board and
lodging of
high school
pupils not
resident in
high school
district

(a) provides daily transportation; or

(b) reimburses the parents or guardians for the cost of board, lodging, and transportation once a week under subsection 6 of section 37 of *The Schools Administration Act*,

R.S.O. 1960
c. 361

for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the high school district, such separate school board may levy the cost of such transportation or reimbursement for the preceding year, less the legislative grants paid thereon, on the supporters who do not reside in the high school district.

R.S.O. 1960, c. 368, s. 74 (1968, c. 125, s. 6), amended
3. Section 74 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection:

Application of ss. 81-83 to Windsor
 (4a) Sections 81, 82 and 83 apply *mutatis mutandis* to the City of Windsor and The Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor.

R.S.O. 1960, c. 368, s. 75 (1968, c. 125, s. 6), subs. 2, cl. c, repealed
4. Clause c of subsection 2 of section 75 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 368, s. 76 (1968, c. 125, s. 6), subs. 7, re-enacted
5. Subsection 7 of section 76 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

Application of Part
 (7) Except where inconsistent with this section, the other provisions of this Part in respect of county combined separate school boards, apply *mutatis mutandis* to the board established under subsection 2, except that the references to the years 1968, 1969 and 1970, wherever they occur, shall be deemed to refer to the years 1969, 1970 and 1971 respectively.

R.S.O. 1960, c. 368, s. 79 (1968, c. 125, s. 6), amended
6. Section 79 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection:

Name of board in regional municipality
 (4) Notwithstanding subsections 2 and 3 and except as provided in sections 76 and 77, a combined separate school board that has jurisdiction in all or part of a regional municipality is a corporation by the name of "The Roman Catholic Separate School Board" (*inserting a name selected by the board and approved by the Minister*).

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 2, amended
7.—(1) Subsection 2 of section 84 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding at the commencement thereof "Subject to subsection 4" and by inserting after

“the” where it occurs the second time in the third line “county”, so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Subject to subsection 4, the number of trustees of a ^{Composition of board} county combined separate school board shall be determined by the population of the county or counties in the county combined separate school zone, and the number of trustees of a district combined separate school board shall be determined by the population of the municipalities all or part of which are included in the district combined separate school zone, as the case may be, as follows, where the population is,

(2) Clause *b* of subsection 4 of the said section 84 is amended ^{R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 4, cl. b, amended} by adding at the end thereof “but in no case shall the number of trustees to be elected under this clause be fewer than one”, so that the clause shall read as follows:

- (*b*) of the county or district municipalities or the parts thereof shall be the number of trustees determined under subsection 2 less the total number of trustees determined under clause *a* for the city or cities, but in no case shall the number of trustees to be elected under this clause be fewer than one.

(3) Subsections 21, 22 and 24 of the said section 84 are ^{R.S.O. 1960, c. 368, s. 84 (1968, c. 125 s. 6), subs. 21, 22, 24, repealed} repealed.

8.—(1) This Act, except sections 2, 3 and subsections 1 and 2 of section 7, comes into force on the day it receives Royal Assent. ^{Commence-ment}

(2) Subsections 1 and 2 of section 7 shall be deemed to ^{Idem} have come into force on the 23rd day of June, 1968.

(3) Sections 2 and 3 come into force on the 1st day of ^{Idem} January, 1970.

9. This Act may be cited as *The Separate Schools Amend-* ^{Short title} *ment Act, 1968-69 (No. 2).*

An Act to amend
The Separate Schools Act

1st Reading

November 28th, 1969

2nd Reading

December 2nd, 1969

3rd Reading

December 8th, 1969

MR. DAVIS

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356

Government
Publication

BILL 239

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Public Schools Act

MR. DAVIS



TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The section repealed dealt with the establishment of school sections in counties and is no longer necessary with the establishment of divisional boards.

SECTION 2. With the establishment of school divisions, there are no longer any township school areas of the type to which section 40*b* applies.

SECTION 3. With the establishment of school divisions, there will no longer be any township school areas of the type to which the repealed subsections apply.

SECTIONS 4, 5, 6, 7, 8, 9 and 10. With the establishment of school divisions, the sections repealed are no longer required.

BILL 239

1968-69

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Public Schools Act*, as re-enacted by R.S.O. 1960, c. 330, s. 17, section 7 of *The Public Schools Amendment Act, 1966*, is (1966, c. 129, s. 7), repealed.

2. Section 40b of *The Public Schools Act*, as enacted by R.S.O. 1960, c. 330, s. 40b, section 6 of *The Public Schools Amendment Act, 1964* and (1964, c. 95, s. 6), amended by subsection 1 of section 25 of *The Public Schools Amendment Act, 1966* and section 6 of *The Public Schools Amendment Act, 1967*, is repealed.

3.—(1) Subsection 4a of section 40c of *The Public Schools Act*, as enacted by subsection 1 of section 7 of *The Public Schools Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 330, s. 40c, subs. 4a (1967, c. 82, s. 7, subs. 1), repealed

(2) Subsection 7 of the said section 40c, as amended by R.S.O. 1960, c. 330, s. 40c, section 5 of *The Public Schools Amendment Act, 1968*, is (1964, c. 95, s. 6), subs. 7, repealed.

(3) Subsection 9 of the said section 40c, as re-enacted by R.S.O. 1960, c. 330, s. 40c, subsection 2 of section 7 of *The Public Schools Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 330, s. 40c, subs. 9 (1967, c. 82, s. 7, subs. 2), repealed

(4) Subsection 10 of the said section 40c, as re-enacted by R.S.O. 1960, c. 330, s. 40c, subsection 3 of section 7 of *The Public Schools Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 330, s. 40c, subs. 10 (1967, c. 82, s. 7, subs. 3), repealed

4. Section 43 of *The Public Schools Act*, as amended by R.S.O. 1960, c. 330, s. 43, section 11 of *The Public Schools Amendment Act, 1961-62* and section 15 of *The Public Schools Amendment Act, 1965*, is repealed.

5. Section 44 of *The Public Schools Act* is repealed. R.S.O. 1960, c. 330, s. 44, repealed

6. Section 45 of *The Public Schools Act*, as re-enacted by R.S.O. 1960, c. 330, s. 45, section 29 of *The Public Schools Amendment Act, 1966*, is (1966, c. 129, s. 29), repealed.

R.S.O. 1960, c. 330, s. 47 (1966, c. 129, s. 30), repealed **7.** Section 47 of *The Public Schools Act*, as re-enacted by section 30 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 330, s. 53 (1966, c. 129, s. 32), repealed **8.** Section 53 of *The Public Schools Act*, as re-enacted by section 32 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 330, s. 54, repealed **9.** Section 54 of *The Public Schools Act*, as amended by section 13 of *The Public Schools Amendment Act, 1961-62* and section 33 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 330, s. 55, repealed **10.** Section 55 of *The Public Schools Act*, as amended by section 17 of *The Public Schools Amendment Act, 1965*, section 34 of *The Public Schools Amendment Act, 1966* and section 9 of *The Public Schools Amendment Act, 1967*, is repealed.

R.S.O. 1960, c. 330, s. 63^a (1966, c. 129, s. 40), repealed **11.** Section 63^a of *The Public Schools Act*, as enacted by section 40 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 330, s. 71, repealed **12.** Section 71 of *The Public Schools Act* is repealed.

R.S.O. 1960, c. 330, s. 74, subs. 2, cl. ^d (1964, c. 95, s. 9, subs. 1), repealed **13.** Clause *d* of subsection 2 of section 74 of *The Public Schools Act*, as re-enacted by subsection 1 of section 9 of *The Public Schools Amendment Act, 1964*, is repealed.

Commence-
ment **14.** This Act comes into force on the day it receives Royal Assent.

Short title **15.** This Act may be cited as *The Public Schools Amendment Act, 1968-69*.

SECTION 11. Section 63*a* is no longer required as there are no longer county school areas.

SECTION 12. This section is obsolete and is, therefore, repealed.

SECTION 13. Classes for blind and deaf children are one of the special education programmes now provided for under *The Schools Administration Act*, section 35, paragraph 37. Clause *d*, which restricts the application of this provision to municipalities of 100,000 population or over, is repealed.

An Act to amend
The Public Schools Act

1st Reading

November 28th, 1969

2nd Reading

3rd Reading

MR. DAVIS

BILL 239

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Public Schools Act

MR. DAVIS

BILL 239

1968-69

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Public Schools Act*, as re-enacted by section 7 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 330, s. 17
(1966, c. 129,
s. 7),
repealed

2. Section 40b of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964* and amended by subsection 1 of section 25 of *The Public Schools Amendment Act, 1966* and section 6 of *The Public Schools Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 330, s. 40b
(1964, c. 95,
s. 6),
repealed

3.—(1) Subsection 4a of section 40c of *The Public Schools Act*, as enacted by subsection 1 of section 7 of *The Public Schools Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 330, s. 40c,
subs. 4a
(1967, c. 82,
s. 7, subs. 1),
repealed

(2) Subsection 7 of the said section 40c, as amended by section 5 of *The Public Schools Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 330, s. 40c,
(1964, c. 95,
s. 6), subs. 7,
repealed

(3) Subsection 9 of the said section 40c, as re-enacted by subsection 2 of section 7 of *The Public Schools Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 330, s. 40c,
subs. 9
(1967, c. 82,
s. 7, subs. 2),
repealed

(4) Subsection 10 of the said section 40c, as re-enacted by subsection 3 of section 7 of *The Public Schools Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 330, s. 40c,
subs. 10
(1967, c. 82,
s. 7, subs. 3),
repealed

4. Section 43 of *The Public Schools Act*, as amended by section 11 of *The Public Schools Amendment Act, 1961-62* and section 15 of *The Public Schools Amendment Act, 1965*, is repealed.

R.S.O. 1960,
c. 330, s. 43,
repealed

5. Section 44 of *The Public Schools Act* is repealed.

R.S.O. 1960,
c. 330, s. 44,
repealed

6. Section 45 of *The Public Schools Act*, as re-enacted by section 29 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 330, s. 45
(1966, c. 129,
s. 29),
repealed

R.S.O. 1960,
c. 330, s. 47
(1966, c. 129,
s. 30),
repealed **7.** Section 47 of *The Public Schools Act*, as re-enacted by
section 30 of *The Public Schools Amendment Act, 1966*, is
repealed.

R.S.O. 1960,
c. 330, s. 53
(1966, c. 129,
s. 32),
repealed **8.** Section 53 of *The Public Schools Act*, as re-enacted by
section 32 of *The Public Schools Amendment Act, 1966*, is
repealed.

R.S.O. 1960,
c. 330, s. 54,
repealed **9.** Section 54 of *The Public Schools Act*, as amended by
section 13 of *The Public Schools Amendment Act, 1961-62*
and section 33 of *The Public Schools Amendment Act, 1966*,
is repealed.

R.S.O. 1960,
c. 330, s. 55,
repealed **10.** Section 55 of *The Public Schools Act*, as amended by
section 17 of *The Public Schools Amendment Act, 1965*,
section 34 of *The Public Schools Amendment Act, 1966* and
section 9 of *The Public Schools Amendment Act, 1967*, is
repealed.

R.S.O. 1960,
c. 330, s. 63^a
(1966, c. 129,
s. 40),
repealed **11.** Section 63^a of *The Public Schools Act*, as enacted by
section 40 of *The Public Schools Amendment Act, 1966*, is
repealed.

R.S.O. 1960,
c. 330, s. 71,
repealed **12.** Section 71 of *The Public Schools Act* is repealed.

R.S.O. 1960,
c. 330, s. 74,
subs. 2, cl. ^d
(1964, c. 95,
s. 9, subs. 1),
repealed **13.** Clause *d* of subsection 2 of section 74 of *The Public*
Schools Act, as re-enacted by subsection 1 of section 9 of
The Public Schools Amendment Act, 1964, is repealed.

Commence-
ment **14.** This Act comes into force on the day it receives Royal
Assent.

Short title **15.** This Act may be cited as *The Public Schools Amend-*
ment Act, 1968-69.

**Government
Publications**
An Act to amend
The Public Schools Act

1st Reading

November 28th, 1969

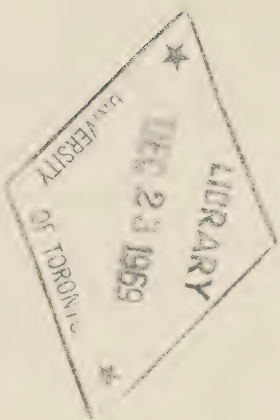
2nd Reading

December 2nd, 1969

3rd Reading

December 8th, 1969

Mr. DAVIS



BILL 240

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Secondary Schools and Boards of Education Act**

MR. DAVIS



EXPLANATORY NOTES

SECTION 1. The sections repealed provide for the establishment, alteration and discontinuance of high school districts. The provisions for school divisions in Part VI of the Act have eliminated high school districts except of the type provided for in subsections 4 and 5 of section 12.

SECTION 2—Subsections 1, 2, 3, 4 and 6. See note to section 1.

Subsection 5. The amendment to subsection 4 is to permit the establishment of high school districts by order in council in any part of the territorial districts not included in a school division.

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8, as amended by section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, sections 9 and 10 and section 11, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, of *The Secondary Schools and Boards of Education Act*, are repealed. R.S.O. 1960,
c. 362,
ss. 8-11,
repealed

2.—(1) Subsection 1 of section 12 of *The Secondary Schools and Boards of Education Act*, as amended by subsection 1 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed. R.S.O. 1960,
c. 362, s. 12,
subs. 1,
repealed

(2) Subsection 1a of the said section 12, as re-enacted by subsection 1 of section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed. R.S.O. 1960,
c. 362, s. 12,
subs. 1a
(1965, c. 119,
s. 2, subs. 1),
repealed

(3) Subsection 2 of the said section 12 is repealed. R.S.O. 1960,
c. 362, s. 12,
subs. 2,
repealed

(4) Subsection 3 of the said section 12, as re-enacted by subsection 2 of section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1965* and amended by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed. R.S.O. 1960,
c. 362, s. 12,
subs. 3
(1965, c. 119,
s. 2, subs. 2),
repealed

(5) Subsection 4 of the said section 12, as amended by subsection 3 of section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is further amended by striking out "territory without municipal organization, or any such area and a municipality or municipalities or any part or parts thereof" in the second, third and fourth lines and in the amendment of 1965 and inserting in lieu thereof "the territorial districts, that is not part of a school division", so that the subsection shall read as follows: R.S.O. 1960,
c. 362, s. 12,
subs. 4,
amended

In
unorganized
territory

- (4) The Lieutenant Governor in Council may establish any area in the territorial districts, that is not part of a school division, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

R.S.O. 1960,
c. 362, s. 12,
subs. 6,
repealed

- (6) Subsection 6 of the said section 12 is repealed.

R.S.O. 1960,
c. 362, ss. 13,
14, repealed

3. Section 13, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, and section 14 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 15,
repealed

4. Section 15 of *The Secondary Schools and Boards of Education Act*, as amended by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 362, s. 16,
repealed

5. Section 16 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 362, ss. 17-
19, repealed

6. Sections 17, 18 and 19 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 20
(1967, c. 91,
s. 2),
repealed

7. Section 20 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, s. 22,
repealed

8. Section 22 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1966* and section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, ss. 23-
25,
repealed

9. Sections 23, 24 and 25 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 26,
subs. 1,
re-enacted

10. Subsection 1 of section 26 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Board in
territorial
districts
outside
school
divisions

- (1) Where a high school district is established under subsection 4 of section 12, the Lieutenant Governor in Council may make regulations providing for,

SECTIONS 3 to 9. The sections repealed make provisions for high school districts and for the qualifications and appointment of trustees of high school boards. With the establishment of school divisions and divisional boards of education, these sections will no longer be required.

SECTION 10. This amendment provides for the organization of high school districts and boards in areas in the territorial districts not within a school division.

SECTION 11. These provisions for high school boards will no longer be required in view of the establishment of the divisional boards of education.

SECTION 12. This subsection is no longer required as there are no longer any high school districts in the counties to which it applies.

SECTION 13. Sections 31 and 32, which provide for the issue of debentures for high school purposes by local municipalities or counties, are now unnecessary as boards of school divisions issue their own debentures and provision is made in section 26 for the issue of debentures by boards in the territorial districts that are not in a school division.

SECTION 14.—Subsection 1. The amendment makes the provision uniform with section 104 of *The Schools Administration Act*, which requires estimates to be submitted on or before the 1st day of March in each year.

Subsections 2 and 3. The amendments provide that sums raised by a municipality for high school purposes shall be paid to the board in instalments in the same manner as such sums are paid to divisional boards under section 88 of the Act.

- (a) the formation of a board;
- (b) the apportionment of costs within the high school district; and
- (c) the issuing of debentures by the board for permanent improvements,

and the board is a corporation by the name designated by the Lieutenant Governor in Council.

11. Sections 27 and 28 and section 29, as amended by *R.S.O. 1960, c. 362, ss. 27-29, repealed* section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1966* and section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, of *The Secondary Schools and Boards of Education Act*, are repealed.

12. Subsection 3 of section 30 of *The Secondary Schools and Boards of Education Act* is repealed. *R.S.O. 1960, c. 362, s. 30, subs. 3, repealed*

13. Section 31, as amended by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, and section 32 of *The Secondary Schools and Boards of Education Act* are repealed. *R.S.O. 1960, c. 362, ss. 31, 32, repealed*

14.—(1) Subsection 1 of section 34 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1965* and amended by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is further amended by striking out “on or before such time as the council may prescribe” in the fourth and fifth lines, so that the subsection, exclusive of the clauses, shall read as follows: *R.S.O. 1960, c. 362, s. 34, (1965, c. 119, s. 7), subs. 1, amended*

- (1) Every high school board in each year shall prepare *Estimates* and adopt and submit to the council of each municipality all or part of which is included in the high school district, estimates of all sums required during the year for the purposes of the board, and such estimates,

(2) Subsection 2 of the said section 34 is repealed and the following substituted therefor: *R.S.O. 1960, c. 362, s. 34, (1965, c. 119, s. 7), subs. 2, re-enacted*

- (2) The council of each municipality, all or part of which is included in a high school district, shall levy and collect each year and pay to the high school board such sums as may be required by the board for high *Rates for current purposes*

school purposes, in such instalments and at such times as are provided in section 88, which section applies *mutatis mutandis*.

R.S.O. 1960, c. 362, s. 34 (1968, c. 122, s. 2), subs. 3, amended (3) Subsection 3 of the said section 34, as enacted by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out "and the sum required by the board of the secondary school district for school purposes shall be paid over to the board not later than the 15th day of December" in the third, fourth, fifth and sixth lines, so that the subsection shall read as follows:

Municipality to account for moneys (3) The council of each municipality shall annually account for all moneys collected for secondary school purposes and any sum collected in excess of the sum required by the board for school purposes shall be retained by the municipality and applied to reduce the sum that the municipality is required by such board to raise for school purposes in the following year.

R.S.O. 1960, c. 362, s. 35, repealed **15.** Section 35 of *The Secondary Schools and Boards of Education Act*, as amended by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed.

R.S.O. 1960, c. 362, s. 36, repealed **16.** Section 36 of *The Secondary Schools and Boards of Education Act*, as amended by section 9 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed.

R.S.O. 1960, c. 362, s. 40, amended **17.** Subsection 2 of section 40 of *The Secondary Schools and Boards of Education Act* is amended by striking out "Subject to the approval of the Minister" in the first line, so that the subsection, exclusive of the clauses, shall read as follows:

Courses of study (2) A vocational school under this Part may provide,

.

R.S.O. 1960, c. 362, s. 47, subs. 1, amended **18.** Subsection 1 of section 47 of *The Secondary Schools and Boards of Education Act* is amended by striking out "under its management and control" in the third and fourth lines, so that the subsection shall read as follows:

Estimates (1) Subject to the regulations, the estimates of the advisory vocational committee of the cost of establishing, equipping and maintaining the school or schools, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the municipal council or councils for the year.

SECTION 15. This section is no longer required as there will be no high school district other than in a school division which includes more than one municipality.

SECTION 16. This section is repealed as complementary to the amendment to subsection 1 of section 26 of the Act.

SECTION 17. The requirement that the approval of the Minister be obtained by a board in order to provide full-time, part-time or evening courses of study, is removed.

SECTION 18. This amendment is to bring the subsection up to date as the schools are no longer under the management or control of the advisory vocational committee.

SECTION 19. The definition of "board of education" is amended by reason of the establishment of divisional boards.

SECTION 20. There will no longer be members appointed to a board of education by a county council. The provision is amended accordingly.

SECTION 21. Because of the organization of school divisions there will no longer be high school districts except of the type under subsections 4 and 4a of section 51. The other provisions of the section are therefor repealed.

SECTION 22. There are no longer any boards of education which have jurisdiction in more than one municipality other than the divisional boards of education which are provided for in Part VI of the Act.

SECTION 23. The amendment provides that the representatives of separate school supporters on boards of education that are not in a school division are to be elected rather than appointed.

19. Section 49 of *The Secondary Schools and Boards of Education Act*, as amended by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed and the following substituted therefor:

49. In this Part, "board of education" means a board of education other than a divisional board established under Part VI.

20. Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act* is amended by striking out "county council or a" in the second line so that the subsection shall read as follows:

- (5) A member of a board of education appointed by a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes.

21.—(1) Subsections 1, 2 and 3 of section 51 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 1 of section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, are repealed.

(2) Subsection 5 of the said section 51, as amended by subsection 2 of section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

(3) Subsection 6 of the said section 51, as enacted by subsection 3 of section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

22. Subsection 2 of section 52 of *The Secondary Schools and Boards of Education Act* is repealed.

23. Section 54 of *The Secondary Schools and Boards of Education Act*, as amended by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1966*, is repealed and the following substituted therefor:

54. Where a board of education is established for one municipality that is not a school division or part of a school division, the members of the board shall be elected as provided in section 91, which section applies *mutatis mutandis*, except that the number of members to be elected by the separate school supporters shall be,

- (a) where the population of the municipality is 50,000 or more, not fewer than two; and

- (b) where the population of the municipality is less than 50,000, not fewer than one.

R.S.O. 1960,
c. 362, s. 55,
repealed

24. Section 55 of *The Secondary Schools and Boards of Education Act*, as amended by section 12 of *The Secondary Schools and Boards of Education Amendment Act, 1964* and section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 362, s. 55a
(1967, c. 91,
s. 10),
repealed

25. Section 55a of *The Secondary Schools and Boards of Education Act*, as enacted by section 10 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, s. 56,
subss. 3-14,
repealed

26. Subsections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of section 56 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 57,
repealed

27. Section 57 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 362, s. 61,
(1967, c. 91,
s. 11),
repealed

28. Section 61 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 11 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, s. 74,
subss. 1, 2,
repealed

29. Subsections 1 and 2 of section 74 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 80
(1967, c. 91,
s. 16),
repealed

30. Section 80 of *The Secondary Schools and Boards of Education Act*, as enacted by section 16 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, s. 81
(1968, c. 122,
s. 8), subs. 1,
cl. c,
re-enacted

31.—(1) Clause c of subsection 1 of section 81 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

- (c) "county municipality" means a municipality that forms part of a county for municipal purposes and includes a municipality, other than a city, that forms part of a regional municipality.

R.S.O. 1960,
c. 362, s. 81
(1968, c. 122,
s. 8), subs. 4,
amended

(2) Subsection 4 of the said section 81 is amended by inserting after "to" in the ninth line "the preparation of a voters' list and" and by adding at the end thereof "and the

SECTIONS 24, 25, 26 and 27. The sections are no longer required in view of the establishment of divisional boards of education under Part VI

SECTION 28. This section which deals with the dissolution of boards of education is no longer required.

SECTION 29. The provision for additional county levies for educational purposes and for county grants to particular schools is repealed, as it is no longer used or required.

SECTION 30. High school districts and boards of education will no longer be formed, altered or dissolved by by-law. The provisions repealed are therefor no longer required.

SECTION 31—Subsection 1. The definition is amended to refer to municipalities in a regional municipality.

Subsection 2. The amendment makes it clear that a divisional board is required to prepare a voters' list for territory without municipal organization in the school division and that the ratepayers in such territory are required to pay the costs in connection therewith.

Subsection 3. This amendment is necessary to provide for the approval of estimates, the levying of rates and the payment of moneys requisitioned by the board of a public library established for a school section in territory without municipal organization which now forms part of a school division.

SECTION 32. Self-explanatory.

expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality", so that the subsection shall read as follows:

- (4) The divisional board of a school division that includes territory without municipal organization that is deemed a district municipality shall exercise the powers and duties of a municipal council for such district municipality with respect to preparing estimates, assessing, court of revision, levying rates, collecting taxes and issuing debentures for the purposes of the divisional board and with respect to the preparation of a voters' list and the election of members of the divisional board and all the officers appointed by the divisional board have the same powers and duties as similar officers in an organized municipality and the provisions of subsections 6 to 11 of section 26 apply *mutatis mutandis*, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality.

Powers and duties of divisional board re territory without municipal organization]

- (3) The said section 81 is amended by adding thereto the following subsection:

R.S.O. 1960, c. 362, s. 81 (1968, c. 122, s. 8), amended

- (4a) Where a public library has been established for a school section in territory without municipal organization that is deemed a district municipality within a school division under subsection 3, the divisional board of the school division shall be deemed to be a municipal council for such district municipality under section 23 of *The Public Libraries Act*, 1966, and the amount of the estimates of the board of the public library appropriated for such board by the divisional board of the school division shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality.

Rates for public library in unorganized territory in school division

1966, c. 128

32. Section 83 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act*, 1968, is amended by adding thereto the following subsection:

R.S.O. 1960, c. 362, s. 83 (1968, c. 122, s. 8), amended

- (4a) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in all or part of a regional municipality is the "... .. Board of Education" (inserting a name selected by the board and approved by the Minister).

regional municipality

R.S.O. 1960,
c. 362, s. 84
(1968, c. 122,
s. 8), subs. 9,
repealed

33. Subsection 9 of section 84 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 362, s. 85
1968, c. 122,
s. 8), subs. 1,
cl. d,
re-enacted

34.—(1) Clause *d* of subsection 1 of section 85 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

(*d*) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act*,

R.S.O. 1960,
c. 361

(i) for secondary school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs, and

(ii) for public school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the taxable property of public school supporters in the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs,

and such assessment shall be that on which taxes were levied in the year preceding the year for which the estimates are adopted.

R.S.O. 1960,
c. 362, s. 85
(1968, c. 122,
s. 8),
amended

(2) The said section 85 is amended by adding thereto the following subsections:

Where
estimates
submitted
after
Mar. 1, 1969

(1*a*) Where in the year 1969, a divisional board does not submit the statement and the requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 88 to levy and collect the amount required by the divisional board.

.

SECTION 33. This subsection, which provided for a committee during the transitional period, is spent and is, therefore, repealed.

SECTION 34—Subsection 1. The amendment is to make it clear that the assessment to be used to establish the expenditures for permanent improvements that may be included in the estimates is that upon which taxes were levied in the year preceding the year for which the estimates are adopted.

Subsection 2. Subsection 1*a* is self-explanatory.

Subsection 3 is to make it clear that the provision of section 297 (5) of *The Municipal Act* with respect to the submission of estimates by local boards does not apply to divisional boards.

SECTION 35. The amendment permits the assessment of property in territory without municipal organization that is made for the first time for school purposes to be used for the purposes of apportionment in the year in which such territory first forms part of a school division.

SECTION 36. The new section 87*a* provides for the apportionment of public and secondary school costs in 1970 and following years in order to limit the effect of variations in equalization factors from year to year.

- (3) Subsection 5 of section 297 of *The Municipal Act* does not apply to divisional boards.

Application
of R.S.O.
1960,
c. 249, s. 297,
subs. 5

35. Section 86 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 362, s. 86,
(1968, c. 122,
s. 8),
amended

- (1a) Where in any year territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made on or before the 1st day of March in that year.

Apportion-
ment where
unorganized
territory
becomes
part of
school
division

36. Part VI of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following section:

R.S.O. 1960,
c. 362, Pt. VI
(1968, c. 122,
s. 8),
amended

- 87a.—(1) In any regulation made under this section, except where otherwise provided in the regulation, assessment, equalization factor and equalized assessment have the same meaning as in section 86.

Interpreta-
tion

- (2) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by a divisional board for secondary school purposes and for public school purposes for the year 1970 and any subsequent year among the municipalities or parts thereof in the school division.

Regulations
for appor-
tionment
in year 1970
and any
subsequent
year

- (3) Notwithstanding subsections 2 and 3 of section 86, the sums required by a divisional board for secondary school purposes and for public school purposes for any year to which a regulation passed under this section is applicable shall be apportioned among the municipalities or parts thereof in the school division in accordance with such regulation.

Apportion-
ment

- (4) Where, in making the apportionment in accordance with the regulations, estimated data are used, an overpayment or an underpayment by a municipality or part, determined on the basis of actual data, shall be adjusted in the levy for the following year.

Where
estimated
data used

Application
of grants
R.S.O. 1960,
c. 94

- (5) Where the regulations made under *The Department of Education Act* provide for a grant to a divisional board on behalf of a part of a territorial district that in the year 1968 was not included in a secondary school district, such grant shall be applied to reduce the sum required to be raised under this section in such part of the territorial district.

Request for
arbitration

- (6) Where the council of a municipality is of the opinion that the apportionment of the sum required in accordance with this section imposes an undue burden on the ratepayers,

(a) for the year 1970, the council may apply to the divisional board before the 1st day of March, 1970, for an arbitration to determine the proportion of the amount that each municipality or part thereof shall bear and the provisions of subsections 5, 6, 7, 8, 9 and 10 of section 86 apply *mutatis mutandis*; or

(b) for any subsequent year, the provisions of subsection 4 of section 86 apply *mutatis mutandis*.

R.S.O. 1960,
c. 362, s. 88
(1968, c. 122,
s. 8), subs. 1,
re-enacted

37.—(1) Subsection 1 of section 88 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Rates

- (1) The council of each municipality in a school division in each year shall levy and collect,

(a) upon all the property rateable for public school purposes in the municipality the amount that it is required by the divisional board to raise for public school purposes; and

(b) upon all the property rateable for secondary school purposes in the municipality the amount that it is required by the divisional board to raise for secondary school purposes.

R.S.O. 1960,
c. 362, s. 88
(1968, c. 122,
s. 8),
amended

- (2) The said section 88 is amended by adding thereto the following subsections:

Payment
to boards

- (1c) Subject to subsection 1d, the council of each municipality in a school division in each year shall pay to the divisional board the amounts required to be

SECTION 37. At present, the amount required to be raised by a municipality for school purposes is paid as required by the school board but not later than the 15th day of December. Provision is made for specific instalments on a quarterly basis with authority for the boards and municipalities to enter into agreement to provide for any number of instalment payments.

SECTION 38—Subsections 1 and 2. The amendments provide that a divisional board of education will always include at least one member elected by the public school electors of the county or district municipalities in the school division. Subsection 2 is made subject to subsection 6 so that the number of members elected to the divisional board of education by the public school electors of the city or cities will not be reduced, but rather the number of members on the board will be increased by one where necessary to allow a member to be elected by the public school electors of the county or district municipalities.

raised by the municipality for public school purposes and for secondary school purposes, in the following instalments:

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September; and
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalments or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

- (1d) A divisional board may, by agreement with a ^{Agreement} majority of the municipalities in the school division where such municipalities represent at least two-thirds of the equalized assessment in the school division, provide for any number of instalments and the amounts and due dates thereof other than those provided in subsection 1c, which shall be applicable to all municipalities in the school division and otherwise subsection 1c applies *mutatis mutandis*.

38.—(1) Subsection 2 of section 92 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out “and 5” in the first line and inserting in lieu thereof “5 and 6”. R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8), subs. 2,
amended

(2) Clause *b* of subsection 6 of the said section 92 is amended by adding at the end thereof “but in no case shall the number of members to be elected under this clause be fewer than one”, so that the clause shall read as follows: R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8), subs. 6,
cl. b,
amended

- (b) of the county or district municipalities shall be the number of members determined under subsection 4 less the total number of members determined under clause *a* for the city or cities, but in no case shall the number of members to be elected under this clause be fewer than one.

R.S.O. 1960,
c. 362, s. 92,
(1968, c. 122,
s. 8), subs.
26, 27, 29,
repealed

- (3) Subsections 26, 27 and 29 of the said section 92 are repealed.

R.S.O. 1960,
c. 362, s. 93
(1968, c. 122,
s. 8), subs. 1,
cl. 4, subcl. i,
amended

- 39.** —(1) Subclause i of clause *d* of subsection 1 of section 93 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out "ratepayer of a municipality within the school division" in the third and fourth lines, and inserting in lieu thereof "elector", so that the subclause shall read as follows:

- (i) in the case of the election of members by public school electors, is a public school elector, and

.

R.S.O. 1960,
c. 362, s. 93
(1968, c. 122,
s. 8),
amended

- (2) The said section 93 is amended by adding thereto the following subsections:

Disquali-
fications

- (3) A person is not qualified to be elected or to act as a member of a divisional board,

- (a) who is,

- (i) a member of any other board, or
- (ii) a member of the council of a municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board, or
- (iii) an elected member of a local board of a municipality all or part of which is included in the area of jurisdiction of the board,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality, as the case may be;

Subsection 3. These subsections are no longer required as they refer only to 1968.

SECTION 39. The use of "public school elector" will clarify the meaning in view of its definition in section 81 (1) (g). The purpose of adding subsections 3 and 4 is to make the disqualifications applicable to members of a high school board apply also to members of a divisional board. Subsection 5 is added to provide that a person may not be a candidate for more than one seat on a divisional board.

SECTION 40. The provisions respecting vacancies in office of members of divisional boards elected by separate school supporters are revised for the purpose of clarification.

- (b) who is the clerk or treasurer of a county or municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board;
 - (c) who is otherwise disqualified under this or any other Act; or
 - (d) if any portion of the taxes levied for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental thereof is not overdue and unpaid at the time of the opening of the nomination meeting.
- (4) A person is qualified to act as a member of a divisional board during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a*, *b* and *c* of subsection 3. Qualification to act as member
- (5) No person shall qualify himself as a candidate for more than one seat on a divisional board, and any person who so qualifies himself and is elected to hold one or more seats on the divisional board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated. Person not to be candidate for more than one seat

40. Subsection 2 of section 96 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 96 (1968, c. 122, s. 8), subs. 2, re-enacted

- (2) Where the office of a member of a divisional board elected by separate school supporters becomes vacant from any cause before the expiration of the term for which he was elected, except where the vacancy occurs within one month before the next ensuing election, in which case the office shall remain vacant until the election, and where,
- (a) the remaining members elected by separate school supporters constitute a majority of the members of the divisional board elected
- Vacancy in office of member elected by separate school supporters

by separate school supporters, a majority of such remaining members shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy; or

- (b) there are no remaining members who were elected by separate school supporters or the remaining members elected by separate school supporters are not a majority of the members elected by separate school supporters, the vacancy shall be filled by appointment by the board of the separate school zone that had the highest average daily enrolment for the preceding year of pupils below Grade 9 who resided in the school division, as certified by the appropriate supervisory officer,

and the person so elected or appointed shall hold office for the remainder of the term of his predecessor.

All offices
vacant

- (3) Notwithstanding subsection 2, where the offices of all members of a divisional board become vacant from any cause, a new election shall be held to fill all such vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected.

Election
to fill
vacancy

- (4) Where an election is required to fill a vacancy on a divisional board of education, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant.

R.S.O. 1960,
c. 362, s. 99
(1968, c. 122,
s. 8), subs. 3,
cl. c, subs. 3,
repealed

41. Clause *c* of subsection 3 of section 99 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed.

Commence-
ment

42.—(1) This Act, except sections 11 and 23, subsection 3 of section 31 and sections 34, 35, 37, 38 and 40, comes into force on the day it receives Royal Assent.

Idem

(2) Section 38 shall be deemed to have come into force on the 23rd day of July, 1968.

SECTION 41. The interim school organization committees have completed their work and clause *c* is repealed as it is no longer necessary.

(3) Subsection 3 of section 31 and section 34 shall be deemed ^{Idem} to have come into force on the 1st day of January, 1969.

(4) Sections 11, 23, 35, 37 and 40 come into force on the ^{Idem} 1st day of January, 1970.

43. This Act may be cited as *The Secondary Schools and* ^{Short title} *Boards of Education Amendment Act, 1968-69 (No. 2).*

An Act to amend The Secondary Schools
and Boards of Education Act

1st Reading

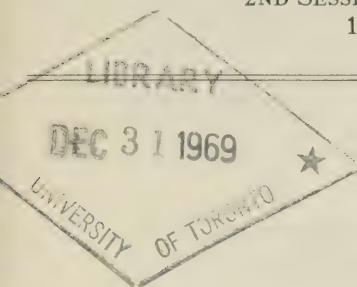
December 1st, 1969

2nd Reading

3rd Reading

MR. DAVIS

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



**An Act to amend
The Secondary Schools and Boards of Education Act**

MR. DAVIS

BILL 240

1968-69

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8, as amended by section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, sections 9 and 10 and section 11, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, of *The Secondary Schools and Boards of Education Act*, are repealed. R.S.O. 1960,
c. 362,
ss. 8-11,
repealed

2.—(1) Subsection 1 of section 12 of *The Secondary Schools and Boards of Education Act*, as amended by subsection 1 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed. R.S.O. 1960,
c. 362, s. 12,
subs. 1,
repealed

(2) Subsection 1a of the said section 12, as re-enacted by subsection 1 of section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed. R.S.O. 1960,
c. 362, s. 12,
subs. 1a
(1965, c. 119,
s. 2, subs. 1),
repealed

(3) Subsection 2 of the said section 12 is repealed. R.S.O. 1960,
c. 362, s. 12,
subs. 2,
repealed

(4) Subsection 3 of the said section 12, as re-enacted by subsection 2 of section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1965* and amended by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed. R.S.O. 1960,
c. 362, s. 12,
subs. 3
(1965, c. 119,
s. 2, subs. 2),
repealed

(5) Subsection 4 of the said section 12, as amended by subsection 3 of section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is further amended by striking out "territory without municipal organization, or any such area and a municipality or municipalities or any part or parts thereof" in the second, third and fourth lines and in the amendment of 1965 and inserting in lieu thereof "the territorial districts, that is not part of a school division", so that the subsection shall read as follows: R.S.O. 1960,
c. 362, s. 12,
subs. 4,
amended

In
unorganized
territory

- (4) The Lieutenant Governor in Council may establish any area in the territorial districts, that is not part of a school division, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

R.S.O. 1960,
c. 362, s. 12,
subs. 6,
repealed

- (6) Subsection 6 of the said section 12 is repealed.

R.S.O. 1960,
c. 362, ss. 13,
14, repealed

3. Section 13, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, and section 14 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 15,
repealed

4. Section 15 of *The Secondary Schools and Boards of Education Act*, as amended by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 362, s. 16,
repealed

5. Section 16 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 362, s. 17-
19, repealed

6. Sections 17, 18 and 19 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 20
(1967, c. 91,
s. 2),
repealed

7. Section 20 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, s. 22,
repealed

8. Section 22 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1966* and section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, ss. 23-
25,
repealed

9. Sections 23, 24 and 25 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 26,
subs. 1,
re-enacted

10. Subsection 1 of section 26 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Board in
territorial
districts
outside
school
divisions

- (1) Where a high school district is established under subsection 4 of section 12, the Lieutenant Governor in Council may make regulations providing for,

- (a) the formation of a board;
- (b) the apportionment of costs within the high school district; and
- (c) the issuing of debentures by the board for permanent improvements,

and the board is a corporation by the name designated by the Lieutenant Governor in Council.

11. Sections 27 and 28 and section 29, as amended by *The Secondary Schools and Boards of Education Amendment Act, 1966* and section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, of *The Secondary Schools and Boards of Education Act*, are repealed. R.S.O. 1960, c. 362, ss. 27-29, repealed

12. Subsection 3 of section 30 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960, c. 362, s. 30, subs. 3, repealed

13. Section 31, as amended by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, and section 32 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960, c. 362, ss. 31, 32, repealed

14.—(1) Subsection 1 of section 34 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1965* and amended by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is further amended by striking out “on or before such time as the council may prescribe” in the fourth and fifth lines, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 362, s. 34, (1965, c. 119, s. 7), subs. 1, amended

- (1) Every high school board in each year shall prepare Estimates and adopt and submit to the council of each municipality all or part of which is included in the high school district, estimates of all sums required during the year for the purposes of the board, and such estimates,

.

(2) Subsection 2 of the said section 34 is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 34, (1965, c. 119, s. 7), subs. 2, re-enacted

- (2) The council of each municipality, all or part of which is included in a high school district, shall levy and collect each year and pay to the high school board such sums as may be required by the board for high Rates for current purposes

school purposes, in such instalments and at such times as are provided in section 88, which section applies *mutatis mutandis*.

R.S.O. 1960, c. 362, s. 34 (1968, c. 122, s. 2), subs. 3, amended (3) Subsection 3 of the said section 34, as enacted by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out "and the sum required by the board of the secondary school district for school purposes shall be paid over to the board not later than the 15th day of December" in the third, fourth, fifth and sixth lines, so that the subsection shall read as follows:

Municipality
to account
for moneys

(3) The council of each municipality shall annually account for all moneys collected for secondary school purposes and any sum collected in excess of the sum required by the board for school purposes shall be retained by the municipality and applied to reduce the sum that the municipality is required by such board to raise for school purposes in the following year.

R.S.O. 1960, c. 362, s. 35, repealed

15. Section 35 of *The Secondary Schools and Boards of Education Act*, as amended by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed.

R.S.O. 1960, c. 362, s. 36, repealed

16. Section 36 of *The Secondary Schools and Boards of Education Act*, as amended by section 9 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed.

R.S.O. 1960, c. 362, s. 40, subs. 2, amended

17. Subsection 2 of section 40 of *The Secondary Schools and Boards of Education Act* is amended by striking out "Subject to the approval of the Minister" in the first line, so that the subsection, exclusive of the clauses, shall read as follows:

Courses of
study

(2) A vocational school under this Part may provide,

.

R.S.O. 1960, c. 362, s. 47, subs. 1, amended

18. Subsection 1 of section 47 of *The Secondary Schools and Boards of Education Act* is amended by striking out "under its management and control" in the third and fourth lines, so that the subsection shall read as follows:

Estimates

(1) Subject to the regulations, the estimates of the advisory vocational committee of the cost of establishing, equipping and maintaining the school or schools, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the municipal council or councils for the year.

19. Section 49 of *The Secondary Schools and Boards of Education Act*, as amended by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed and the following substituted therefor:

49. In this Part, "board of education" means a board of education other than a divisional board established under Part VI.

20. Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act* is amended by striking out "county council or a" in the second line so that the subsection shall read as follows:

- (5) A member of a board of education appointed by a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes.

21.—(1) Subsections 1, 2 and 3 of section 51 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 1 of section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, are repealed.

(2) Subsection 5 of the said section 51, as amended by subsection 2 of section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

(3) Subsection 6 of the said section 51, as enacted by subsection 3 of section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

22. Subsection 2 of section 52 of *The Secondary Schools and Boards of Education Act* is repealed.

23. Section 54 of *The Secondary Schools and Boards of Education Act*, as amended by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1966*, is repealed and the following substituted therefor:

54. Where a board of education is established for one municipality that is not a school division or part of a school division, the members of the board shall be elected as provided in section 91, which section applies *mutatis mutandis*, except that the number of members to be elected by the separate school supporters shall be,

- (a) where the population of the municipality is 50,000 or more, not fewer than two; and

- (b) where the population of the municipality is less than 50,000, not fewer than one.

R.S.O. 1960,
c. 362, s. 55,
repealed **24.** Section 55 of *The Secondary Schools and Boards of Education Act*, as amended by section 12 of *The Secondary Schools and Boards of Education Amendment Act, 1964* and section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 362, s. 55^a,
(1967, c. 91,
s. 10),
repealed **25.** Section 55a of *The Secondary Schools and Boards of Education Act*, as enacted by section 10 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, s. 56,
subss. 3-14,
repealed **26.** Subsections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of section 56 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 57,
repealed **27.** Section 57 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 362, s. 61,
(1967, c. 91,
s. 11),
repealed **28.** Section 61 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 11 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, s. 74,
subss. 1, 2,
repealed **29.** Subsections 1 and 2 of section 74 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 80
(1967, c. 91,
s. 16),
repealed **30.** Section 80 of *The Secondary Schools and Boards of Education Act*, as enacted by section 16 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 362, s. 81
(1968, c. 122,
s. 8), subs. 1,
cl. c,
re-enacted **31.**—(1) Clause c of subsection 1 of section 81 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

(c) “county municipality” means a municipality that forms part of a county for municipal purposes and includes a municipality, other than a city, that forms part of a regional municipality.

R.S.O. 1960,
c. 362, s. 81
(1968, c. 122,
s. 8), sub. 4,
amended (2) Subsection 4 of the said section 81 is amended by inserting after “to” in the ninth line “the preparation of a voters’ list and” and by adding at the end thereof “and the

expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality", so that the subsection shall read as follows:

- (4) The divisional board of a school division that includes territory without municipal organization that is deemed a district municipality shall exercise the powers and duties of a municipal council for such district municipality with respect to preparing estimates, assessing, court of revision, levying rates, collecting taxes and issuing debentures for the purposes of the divisional board and with respect to the preparation of a voters' list and the election of members of the divisional board and all the officers appointed by the divisional board have the same powers and duties as similar officers in an organized municipality and the provisions of subsections 6 to 11 of section 26 apply *mutatis mutandis*, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality. Powers and duties of divisional board re territory without municipal organization
- (3) The said section 81 is amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 81 (1968, c. 122, s. 8), amended
- (4a) Where a public library has been established for a school section in territory without municipal organization that is deemed a district municipality within a school division under subsection 3, the divisional board of the school division shall be deemed to be a municipal council for such district municipality under section 23 of *The Public Libraries Act, 1966*, and the amount of the estimates of the board of the public library appropriated for such board by the divisional board of the school division shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality. Rates for public library in unorganized territory in school division 1966, c. 128
- 32.** Section 83 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 83 (1968, c. 122, s. 8), amended

- (4a) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in all or part of a regional municipality is the "... Board of Education" (inserting a name selected by the board and approved by the Minister). regional municipality

R.S.O. 1960,
c. 362, s. 84
(1968, c. 122,
s. 8), subs. 9,
repealed

33. Subsection 9 of section 84 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 362, s. 85
(1968, c. 122,
s. 8), subs. 1,
cl. d,
re-enacted

34.—(1) Clause d of subsection 1 of section 85 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

(d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act*,

R.S.O. 1960,
c. 361

(i) for secondary school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs, and

(ii) for public school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the taxable property of public school supporters in the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs,

and such assessment shall be that on which taxes were levied in the year preceding the year for which the estimates are adopted.

R.S.O. 1960,
c. 362, s. 85
(1968, c. 122,
s. 8),
amended

(2) The said section 85 is amended by adding thereto the following subsections:

Where
estimates
submitted
after
Mar. 1, 1969

(1a) Where in the year 1969, a divisional board does not submit the statement and the requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 88 to levy and collect the amount required by the divisional board.

- (3) Subsection 5 of section 297 of *The Municipal Act* ^{Application of R.S.O. 1960, c. 249, s. 297, subs. 5} does not apply to divisional boards.

35. Section 86 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, ^{R.S.O. 1960, c. 362, s. 86, (1968, c. 122, s. 8),} is amended amended by adding thereto the following subsection:

- (1a) Where in any year territory without municipal or- ^{Apportionment where unorganized territory becomes part of school division} ganization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made on or before the 1st day of March in that year.

36. Part VI of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, ^{R.S.O. 1960, c. 362, Pt. VI (1968, c. 122, s. 8),} is amended amended by adding thereto the following section:

87a.—(1) In any regulation made under this section, ^{Interpretation} except where otherwise provided in the regulation, assessment, equalization factor and equalized assessment have the same meaning as in section 86.

- (2) The Lieutenant Governor in Council may make ^{Regulations for apportionment in year 1970 and any subsequent year} regulations providing for the apportionment of the sums required by a divisional board for secondary school purposes and for public school purposes for the year 1970 and any subsequent year among the municipalities or parts thereof in the school division.

- (3) Notwithstanding subsections 2 and 3 of section 86, ^{Apportionment} the sums required by a divisional board for secondary school purposes and for public school purposes for any year to which a regulation passed under this section is applicable shall be apportioned among the municipalities or parts thereof in the school division in accordance with such regulation.

- (4) Where, in making the apportionment in accordance ^{Where estimated data used} with the regulations, estimated data are used, an overpayment or an underpayment by a municipality or part, determined on the basis of actual data, shall be adjusted in the levy for the following year.

Application
of grants
R.S.O. 1960,
c. 94

- (5) Where the regulations made under *The Department of Education Act* provide for a grant to a divisional board on behalf of a part of a territorial district that in the year 1968 was not included in a secondary school district, such grant shall be applied to reduce the sum required to be raised under this section in such part of the territorial district.

Request for
arbitration

- (6) Where the council of a municipality is of the opinion that the apportionment of the sum required in accordance with this section imposes an undue burden on the ratepayers,

(a) for the year 1970, the council may apply to the divisional board before the 1st day of March, 1970, for an arbitration to determine the proportion of the amount that each municipality or part thereof shall bear and the provisions of subsections 5, 6, 7, 8, 9 and 10 of section 86 apply *mutatis mutandis*; or

(b) for any subsequent year, the provisions of subsection 4 of section 86 apply *mutatis mutandis*.

R.S.O. 1960,
c. 362, s. 88
(1968, c. 122,
s. 8), subs. 1,
re-enacted

37.—(1) Subsection 1 of section 88 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Rates

- (1) The council of each municipality in a school division in each year shall levy and collect,

(a) upon all the property rateable for public school purposes in the municipality the amount that it is required by the divisional board to raise for public school purposes; and

(b) upon all the property rateable for secondary school purposes in the municipality the amount that it is required by the divisional board to raise for secondary school purposes.

R.S.O. 1960,
c. 362, s. 88
(1968, c. 122,
s. 8),
amended

- (2) The said section 88 is amended by adding thereto the following subsections:

Payment
to boards

- (1c) Subject to subsection 1d, the council of each municipality in a school division in each year shall pay to the divisional board the amounts required to be

raised by the municipality for public school purposes and for secondary school purposes, in the following instalments:

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September; and
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalments or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

- (1d) A divisional board may, by agreement with a ^{Agreement} majority of the municipalities in the school division where such municipalities represent at least two-thirds of the equalized assessment in the school division, provide for any number of instalments and the amounts and due dates thereof other than those provided in subsection 1c, which shall be applicable to all municipalities in the school division and otherwise subsection 1c applies *mutatis mutandis*.

38.—(1) Subsection 2 of section 92 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out “and 5” in the first line and inserting in lieu thereof “5 and 6”. R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 2, amended

(2) Clause *b* of subsection 6 of the said section 92 is amended by adding at the end thereof “but in no case shall the number of members to be elected under this clause be fewer than one”, so that the clause shall read as follows: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 6, cl. b, amended

- (b) of the county or district municipalities shall be the number of members determined under subsection 4 less the total number of members determined under clause *a* for the city or cities, but in no case shall the number of members to be elected under this clause be fewer than one.

R.S.O. 1960,
c. 362, s. 92,
(1968, c. 122,
s. 8), subss.
26, 27, 29,
repealed

- (3) Subsections 26, 27 and 29 of the said section 92 are repealed.

R.S.O. 1960,
c. 362, s. 93
(1968, c. 122,
s. 8), subss. 1,
cl. d, subcl. 1,
amended

- 39.**—(1) Subclause i of clause *d* of subsection 1 of section 93 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out “ratepayer of a municipality within the school division” in the third and fourth lines, and inserting in lieu thereof “elector”, so that the subclause shall read as follows:

- (i) in the case of the election of members by public school electors, is a public school elector, and

R.S.O. 1960,
c. 362, s. 93
(1968, c. 122,
s. 8),
amended

- (2) The said section 93 is amended by adding thereto the following subsections:

Disquali-
fications

- (3) A person is not qualified to be elected or to act as a member of a divisional board,

- (a) who is,

- (i) a member of any other board, or
- (ii) a member of the council of a municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board, or
- (iii) an elected member of a local board of a municipality all or part of which is included in the area of jurisdiction of the board,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality, as the case may be;

- (b) who is the clerk or treasurer of a county or municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board;
 - (c) who is otherwise disqualified under this or any other Act; or
 - (d) if any portion of the taxes levied for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental thereof is not overdue and unpaid at the time of the opening of the nomination meeting.
- (4) A person is qualified to act as a member of a divisional board during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a*, *b* and *c* of subsection 3. Qualification to act as member
- (5) No person shall qualify himself as a candidate for more than one seat on a divisional board, and any person who so qualifies himself and is elected to hold one or more seats on the divisional board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated. Person not to be candidate for more than one seat

40. Subsection 2 of section 96 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 96 (1968, c. 122, s. 8), subs. 2, re-enacted

- (2) Where the office of a member of a divisional board elected by separate school supporters becomes vacant from any cause before the expiration of the term for which he was elected, except where the vacancy occurs within one month before the next ensuing election, in which case the office shall remain vacant until the election, and where,
- (a) the remaining members elected by separate school supporters constitute a majority of the members of the divisional board elected

by separate school supporters, a majority of such remaining members shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy; or

- (b) there are no remaining members who were elected by separate school supporters or the remaining members elected by separate school supporters are not a majority of the members elected by separate school supporters, the vacancy shall be filled by appointment by the board of the separate school zone that had the highest average daily enrolment for the preceding year of pupils below Grade 9 who resided in the school division, as certified by the appropriate supervisory officer,

and the person so elected or appointed shall hold office for the remainder of the term of his predecessor.

All offices
vacant

- (3) Notwithstanding subsection 2, where the offices of all members of a divisional board become vacant from any cause, a new election shall be held to fill all such vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected.

Election
to fill
vacancy

- (4) Where an election is required to fill a vacancy on a divisional board of education, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant.

R.S.O. 1960,
c. 362, s. 99
(1968, c. 122,
s. 8), subs. 3,
cl. c,
repealed

41. Clause *c* of subsection 3 of section 99 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed.

Commence-
ment

42.—(1) This Act, except sections 11 and 23, subsection 3 of section 31 and sections 34, 35, 37, 38 and 40, comes into force on the day it receives Royal Assent.

Idem

(2) Section 38 shall be deemed to have come into force on the 23rd day of July, 1968.

(3) Subsection 3 of section 31 and section 34 shall be deemed ^{Idem} to have come into force on the 1st day of January, 1969.

(4) Sections 11, 23, 35, 37 and 40 come into force on the ^{Idem} 1st day of January, 1970.

43. This Act may be cited as *The Secondary Schools and* ^{Short title} *Boards of Education Amendment Act, 1968-69 (No. 2).*

An Act to amend The Secondary Schools
and Boards of Education Act

1st Reading

December 1st, 1969

2nd Reading

December 3rd, 1969

3rd Reading

December 8th, 1969

MR. DAVIS

BILL 241

Government
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2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Schools Administration Act

MR. DAVIS



EXPLANATORY NOTES

SECTION 1—Subsection 1. Obsolete references are removed.

Subsection 2. The definition is revised to clarify kindergarten attendance and to take into consideration summer-school and evening courses.

BILL 241

1968-69

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of subsection 2 of section 1 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 3,
repealed

(2) Paragraph 24 of subsection 2 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 24,
re-enacted

24. "perfect aggregate attendance" for a calendar year means the number of pupil-days obtained by adding,

i. the product of,

- a. the number of teaching days in the calendar year, and
- b. the sum of the number of pupils registered for full-day attendance, and one-half of the number of pupils registered for half-day attendance, at the school during the calendar year, and

ii. the sum of the products of,

- a. the number of pupils enrolled in each summer-school course or each evening course of study operated by the board, and
- b. one-fifth of the number of hours in the length of such summer-school course or such evening course of study,

and subtracting therefrom,

- iii. the number of full pupil-days of non-attendance or the equivalent of full pupil-days of non-attendance (a full pupil-day being two days of non-attendance in the case of a pupil registered for half-day attendance, and five hours of non-attendance in the case of a pupil registered in a summer-school course or an evening course of study) caused by,

- a. deaths,
- b. late registrations,
- c. termination of registrations,
- d. expulsions, and
- e. exclusions.

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 35,
amended

(3) Paragraph 35 of subsection 2 of the said section 1 is amended by striking out "continuation" in the first line, so that the paragraph shall read as follows:

35. "secondary school" means a high or vocational school.

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 36,
amended

(4) Paragraph 36 of subsection 2 of the said section 1 is amended by striking out "continuation or" in the first line, so that the paragraph shall read as follows:

36. "secondary school district" means a high school district.

R.S.O. 1960,
c. 361, s. 17,
subs. 1,
amended

2. Subsection 1 of section 17 of *The Schools Administration Act* is amended by inserting after "made" in the seventh line "or has not been amended to incorporate any change made in the form of contract so prescribed", so that the subsection shall read as follows:

Memo-
randum
of contract

- (1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the

Subsections 3 and 4. Obsolete references are removed.

SECTION 2. The amendment is to make it clear that every contract is deemed to include the terms and conditions in the form of contract prescribed from time to time by the regulations even though the contract may not have been amended in accordance with any change in the form of contract so prescribed.

SECTION 3. The subsection, as re-enacted, clarifies the procedure with respect to the naming of representatives to a Board of Reference and allows two additional days for notification.

SECTION 4—Subsection 1. In addition to the powers of a board to invest moneys not required immediately, the board is empowered to lend such moneys to a municipality in accordance with paragraph 16a.

Subsection 2. Boards are authorized to provide activities and programmes as set out in the new paragraph 24a.

form of contract prescribed for a permanent teacher, and the teacher's salary shall be payable in ten monthly payments in the manner provided therein.

3. Subsection 3 of section 27 of *The Schools Administration Act*, as amended by section 6 of *The Schools Administration Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 27,
subs. 3,
re-enacted

- (3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved in the disagreement and the notice shall require each of them to name to the Board of Reference a representative who is not the teacher involved or a member of the board and to send by registered mail to the Minister a notice of such nomination within twelve days of the sending of the notice by the Minister. Naming of
repre-
sentatives

4.—(1) Paragraph 16a of section 35 of *The Schools Administration Act*, as enacted by subsection 1 of section 8 of *The Schools Administration Amendment Act, 1968*, is amended by inserting after "bank" in the fourth line "or lend such moneys to any municipality by way of promissory note of the municipality" and by striking out "or deposit certificates" in the sixth line and inserting in lieu thereof "deposit certificates or promissory notes", so that the paragraph shall read as follows: R.S.O. 1960,
c. 361, s. 35,
par. 16a
(1968,
c. 121, s. 8,
subs. 1),
amended

16a. invest moneys not required immediately by the board in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank or lend such moneys to any municipality by way of promissory note of the municipality, provided that the treasury bills, short-term bonds, deposit certificates or promissory notes become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys were invested. idem

(2) The said section 35 is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 361, s. 35,
amended

24a. provide, during the school year or at other times, activities and programmes on or off school premises, including field trips, and exercise jurisdiction over those persons participating therein. activities

R.S.O. 1960,
c. 361, s. 35,
amended (3) The said section 35 is further amended by adding
thereto the following paragraph:

evening
classes

27b. establish evening classes.

R.S.O. 1960,
c. 361, s. 35,
par. 29,
re-enacted

(4) Paragraph 29 of the said section 35 is repealed and the
following substituted therefor:

board for
courses in
conservation

29. provide or pay for board and lodging for a pupil for
a period not exceeding two weeks in any year while
he participates, with the consent of his parent or
guardian and with the permission of the board, in a
natural science, conservation or other out-of-class-
room programmes.

R.S.O. 1960,
c. 361, s. 35,
par. 39
(1968,
c. 121, s. 8,
subs. 4),
re-enacted

(5) Paragraph 39 of the said section 35, as enacted by sub-
section 4 of section 8 of *The Schools Administration Amend-
ment Act, 1968*, is repealed and the following substituted
therefor:

agreements
for joint
use of
facilities

39. enter into an agreement with the council of a muni-
cipality, including a regional municipality or a
county, or a local board thereof except a school
board, in respect of the joint use of educational and
municipal facilities.

R.S.O. 1960,
c. 361, s. 35,
amended

(6) The said section 35 is further amended by adding
thereto the following paragraph:

recreation
committees

40. where a recreation committee or a joint recreation
committee has been appointed for territory without
municipal organization within the jurisdiction of the
board, exercise the powers and duties of a municipal
council with respect to preparing estimates of the
sums required during the year for the purposes of
the committee or joint committee, and levying rates
and collecting taxes for such purposes on the rateable
property supporting the board in such territory, and
where such a joint recreation committee has been
appointed, apportion the costs of such committee
by agreement with the other board concerned.

R.S.O. 1960,
c. 361,
amended

5. *The Schools Administration Act* is amended by adding
thereto the following section:

Agreements
re pupils
in federal
establish-
ments

35e. A board may enter into an agreement with the
Crown in right of Canada for such periods and under
such conditions as are specified in the agreement
whereby the board may provide for the education
of pupils who reside on land held by the Crown in

Subsection 3. This amendment is to make the power of boards to establish evening courses more specific by including it in the section dealing with the powers and duties of boards.

Subsection 4. This paragraph is broadened to include out-of-classroom activities other than courses in conservation or natural science.

Subsection 5. The paragraph is re-enacted to apply to a county and a regional municipality.

Subsection 6. This paragraph is to permit a board to support a programme of recreation in territory without municipal organization.

SECTION 5. The amendment permits a board to enter into an agreement with the Federal Government for the education of pupils who reside in federal establishments.

SECTION 6. Subsection 11 will permit the payment of board and lodging for an elementary school pupil who resides in a school section or in a separate school zone where daily transportation is impracticable.

Subsection 12 is to allow the payment for board and lodging to be made when the pupil is absent due to sickness or is absent for any other cause if the principal considers the absence unavoidable.

SECTION 7—Subsection 1. Subsection 1 is amended to make it clear that the board may determine the period for which the annual allowance is granted.

Subsection 2. Subsection 1a is added to permit a board to grant an annual retirement allowance to the widow or widower of an employee under certain conditions.

right of Canada in a school or schools operated by the board on land owned by the board or by the Crown in right of Canada.

6. Section 37 of *The Schools Administration Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 361, s. 37,
amended

(11) Where a pupil resides in a school section or a separate school zone with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the supervisory officer who has jurisdiction in the school section or the separate school zone, the board of the elementary school of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends. Boarding of
elementary
school pupils
where trans-
portation
impracti-
cable

(12) For the purpose of certifying attendance under subsections 6 to 11, the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being sick or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. Certification
of
attendance

7.—(1) Subsection 1 of section 40 of *The Schools Administration Act*, as amended by section 3 of *The Schools Administration Amendment Act, 1960-61*, is further amended by striking out "during his life" in the second line and inserting in lieu thereof "for such period as the board may determine", so that the first four lines of the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 40,
subs. 1,
amended

(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise for such period as the board may determine, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement
allowances

(2) The said section 40 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 361, s. 40,
amended

(1a) Where an employee,

(a) has been granted an annual retirement allowance under subsection 1 and subsequently dies; or

Widow or
widower

- (b) would have been eligible, except for his death, for such an allowance,

the board may grant to the widow or widower of such employee for such period as the board may determine an annual allowance, not exceeding one-half of the maximum allowance that may be granted under subsection 1.

R.S.O. 1960,
c. 361, s. 43,
subs. 9,
re-enacted

8.—(1) Subsection 9 of section 43 of *The Schools Administration Act* is repealed and the following substituted therefor:

Quorum

- (9) The presence of a majority of all the members constituting a board is necessary to form a quorum, except that when a board of education is dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board of education by the public school electors is necessary to form a quorum.

R.S.O. 1960,
c. 361, s. 43,
subs. 10,
amended

(2) Subsection 10 of the said section 43, as amended by section 8 of *The Schools Administration Amendment Act, 1965*, is further amended by striking out "subsection 1 of section 57" in the amendment of 1965 and inserting in lieu thereof "subsection 6 of section 83", so that the subsection shall read as follows:

Chairman
voting;
equality
of votes
R.S.O. 1960,
c. 362

- (10) Subject to subsection 6 of section 83 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negated.

R.S.O. 1960,
c. 361, s. 54
(1966,
c. 140, s. 10),
subs. 1,
amended

9.—(1) Subsection 1 of section 54 of *The Schools Administration Act*, as re-enacted by section 10 of *The Schools Administration Amendment Act, 1966*, is amended by inserting after "board" in the third line "except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city", so that the subsection shall read as follows:

Biennial or
triennial
elections

- (1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board, except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city, and biennial or triennial elections have been provided for members of council,

SECTION 8—Subsection 1. This amendment reduces the number of members necessary to form a quorum when matters affecting public schools exclusively are being discussed.

Subsection 2. This amendment is to correct a reference.

SECTION 9. The amendments are to make it clear that the provisions of section 54 respecting biennial and triennial elections do not apply to a divisional board that is not a divisional board of a defined city or to a county or district combined separate school board.

SECTION 10. The sections repealed deal with procedures in respect of expropriation. These sections are not required as the procedures are provided in *The Expropriations Act, 1968-69*.

SECTION 11. This section, which refers to the preparation of school maps, is no longer required as the section of *The Public Schools Act* requiring the township clerk to prepare and furnish a map of the school sections was repealed in 1966 and the comparable section of *The Secondary Schools and Boards of Education Act* is to be repealed.

SECTION 12—Subsection 1. The amendment provides for the calculation of non-resident fees involving the use of a uniform accommodation charge in respect of capital costs.

the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be.

R.S.O. 1960,
c. 361, s. 54
(1966,
c. 140, s. 10),
subs. 4,
repealed

(2) Subsection 4 of the said section 54 is repealed.

10. Section 62, as amended by section 12 of *The Schools Administration Amendment Act, 1965*, and sections 63, 64, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 of *The Schools Administration Act* are repealed.

R.S.O. 1960,
c. 361,
ss. 62-64,
67, 69-79,
repealed

11. Section 92 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 92,
repealed

12.—(1) Subsection 1 of section 100a of *The Schools Administration Act*, as re-enacted by section 22 of *The Schools Administration Amendment Act, 1967* and amended by section 21 of *The Schools Administration Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361,
s. 100a,
subs. 1
(1967,
c. 90, s. 22),
re-enacted

(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of financial data and average daily enrolment in respect of elementary schools or secondary schools, as the case may be, for the year in which such education is provided,

Fees for
non-resident
pupils,
calculation

- (a) by ascertaining the gross current expenditure for the maintenance of the schools under the jurisdiction of the board, excluding expenditure for tuition fees, for daily transportation of pupils to school and return and for board, lodging and transportation once a week to school and return;
- (b) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;
- (c) by deducting the amount determined under clause b from the amount determined under clause a;
- (d) by ascertaining the average daily enrolment as adjusted by the application of the appropriate course weighting factors as prescribed in the regulations for the year in which such education is provided, of pupils at schools under the jurisdiction of the board;

- (e) by dividing the amount determined under clause *c* by the average daily enrolment as adjusted under clause *d*;
- (f) by multiplying the average daily enrolment, as adjusted by the application of the appropriate course weighting factors, of pupils whose fees are receivable from another board, from Canada or from Ontario, by the sum of,
 - (i) the amount determined under clause *e*, and
 - (ii) the pupil accommodation charge as prescribed in the regulations for the year in which such education is provided.

Average
daily
enrolment

- (1a) For the purposes of subsection 1, "average daily enrolment" in respect of elementary schools or secondary schools, as the case may be, means the quotient obtained by dividing the perfect aggregate attendance for a calendar year in respect of such schools by the number of school days in the year.

R.S.O. 1960,
c. 361,
s. 100a,
subs. 2
(1967,
c. 90, s. 22),
re-enacted

- (2) Subsection 2 of the said section 100a, as re-enacted by section 22 of *The Schools Administration Amendment Act, 1967*, is repealed and the following substituted therefor:

Special
education
classes

- (2) Where a board provides instruction in a special education class for a pupil,
 - (a) whose fee is receivable from another board, from Canada or from Ontario, the fee shall be such as the board may prescribe, but shall not be less than the fee calculated under subsection 1 or more than the product obtained by multiplying the fee calculated under subsection 1 by the ratio of 30 to the maximum enrolment for such special education class under the regulations;
 - (b) whose fee is receivable from a parent or guardian, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the

Subsection 2. The amendment provides that the fee for special education pupils may be set by the board, provided it is not less than the fee for a regular class pupil or more than the amount obtained by adjusting such fee in accordance with the maximum permissible enrolment of the special education class in which the pupil is enrolled.

Subsection 3. (a) Provision is made for the calculation of non-resident fees for trainable retarded children for the year 1969.

(b) There are no longer any cases where fees are payable by a municipal council and the provisions therefor are repealed.

SECTION 13. Provision is made for the application of grants to limit the increase in education levies and for adjusting the levy in the following year where the estimates differ from the amount actually required.

pupil is enrolled and under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants, by the ratio of 30 to the maximum enrolment for such special education class under the regulations.

(3) Subsections 3, 4 and 5 of the said section 100*a* are repealed and the following substituted therefor:

R.S.O. 1960.
c. 361,
s. 100*a*
(1965,
c. 118, s. 18).
subss. 3-5,
re-enacted

(3) For the purposes of calculating fees for the year 1969 under subsection 1 for a pupil who attends a school for trainable retarded children, the financial data and average daily enrolment in respect of such schools under the jurisdiction of the board shall be used.

Fees for
trainable
retarded
children
for 1969

(4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board, from Canada or from Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants and except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

Fees pay-
able by
individuals

(5) The fees payable by a board for the education of pupils shall be paid, when requested by the treasurer of the board that provides the education, on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

When fees
payable by
boards

13. Part X of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act, 1962-63* and amended by section 18 of *The Schools Administration Amendment Act, 1965*, section 22 of *The Schools Administration Amendment Act, 1967* and section 21 of *The Schools Administration Amendment Act, 1968*, is further amended by adding thereto the following section:

R.S.O. 1960.
c. 361, Pt. X
(ss. 100,
100*a*),
amended

Reduction
of requisition
or
rates

100b.—(1) Where in any year provision is made by regulation for a grant to a board for the purpose, in such year, of limiting the amount of the requisition for public or secondary school purposes or of limiting the increase in the mill rate for separate school purposes in respect of,

(a) a municipality or part thereof; or

(b) a part of territory without municipal organization that is deemed to be a district municipality,

under the jurisdiction of the board, the board shall, in such year, notwithstanding the provisions of any other Act, apply the grant to reduce the amount of the requisition that otherwise would be required for public or secondary school purposes or to reduce the mill rate that otherwise would be required to be levied for separate school purposes, as the case may be, in respect of the municipality or part thereof, or the district municipality.

Application
of grant

(2) Where, after the audited financial data in respect of a board for a year have been determined, the sum that was required for the actual expenditures for elementary or secondary school purposes of the board from a municipality or part, or district municipality, when reduced by the amount of the grant that is receivable by the board in respect of such municipality or part, or district municipality, pursuant to regulations referred to in subsection 1 differs from the sum that was requisitioned from, or levied in, such municipality or part, or district municipality, the difference shall be added to or subtracted from the sum that is estimated to be required from, or levied in, such municipality or part, or district municipality, for elementary or secondary school purposes in the next following year.

R.S.O. 1960,
c. 361, s. 104
(1964,
c. 105, s. 11),
subs. 1,
amended

14. Subsection 1 of section 104 of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after "board" in the first line "except a divisional board of education under Part VI of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows:

Submission
of estimates
of board
to council
R.S.O. 1960,
c. 362

(1) Every public and secondary school board, except a divisional board of education under Part VI of *The Secondary Schools and Boards of Education Act*, shall

SECTION 14. The estimates of divisional boards are dealt with in section 85 of *The Secondary Schools and Boards of Education Act*. This amendment excepts divisional boards from the general provision requiring the submission of estimates of school boards to municipalities.

SECTION 15. The new Part XII provides for the establishment of school board advisory committees.

submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined under section 103.

15. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 361,
amended

PART XII

SCHOOL BOARD ADVISORY COMMITTEES

110. In this Part,

Interpre-
tation

(a) "board" means a board of education or the board of a county or district combined separate school zone;

(b) "committee" means a school board advisory committee formed under this Part.

111. A board may establish a school board advisory committee. Committee
establish-
ment

112.—(1) The committee shall consist of fourteen members and shall be composed of, Composition

(a) three members of the board appointed by the board;

(b) the chief education officer of the board or his nominee;

(c) six teachers employed by the board, appointed by the teachers in the employ of the board; and

(d) four persons appointed by the board who are neither teachers nor members of a board, but who are resident within the jurisdiction of the board.

(2) The teachers shall submit to the board, not later than the 31st day of January in each year, the names of the appointees under clause c of subsection 1. Notice of
teacher
appointees

(3) Members of the committee shall be appointed on or before the 31st day of January in each year and shall hold office for one year. Appoint-
ment and
term of
office

Re-appoint- ment	(4) Except for the chief education officer, a member of the committee shall not hold office for more than three years in succession.
Vacancies	(5) Every vacancy on a committee occasioned by the death or resignation of a member, or by any other cause, shall be filled by a person qualified under subsection 1 and appointed by the body or person that appointed the member whose office has become vacant, and every person so appointed shall hold office for the unexpired portion of the term of such member.
First meeting	113.—(1) The chairman of the board shall call the first meeting of the committee not later than the 28th day of February in each year, and shall preside at such meeting until the chairman of the committee is elected.
Chairman	(2) The chairman of the committee shall be elected by the committee at its first meeting in each year.
Quorum	(3) Eight members of the committee constitute a quorum and a vote of the majority of the members present is necessary to bind the committee.
Sub- committees	(4) The committee may establish such sub-committees as it considers necessary.
Recording secretary	114.—(1) The board shall provide a recording secretary for the committee.
Budget	(2) The committee shall, as required by the board, submit to the board for approval a budget of its estimated expenditures for the calendar year.
Expendi- tures	(3) The board shall pay such expenditures of the committee as are approved by the board.
Powers of committee	115.—(1) The committee may make reports and recommendations to the board in respect of any educational matter pertaining to the schools under the jurisdiction of the board.
Limitation	(2) Notwithstanding subsection 1, the committee shall not concern itself with salaries of employees of the board or with matters pertaining to personnel problems and policies relating to personnel.

SECTION 16. This section is to enable assessment made in 1969 re concentrators and smelters under section 88 of *The Assessment Act, 1968-69* to be used for the purpose of apportionment of school costs in 1970.

- (3) The board shall consider any report or recommendation submitted to it by the committee and shall not refuse its approval without having given the committee, or its representatives, an opportunity to be heard by the board. Consideration of reports

16. Where, in a municipality or in territory without municipal organization that is deemed a district municipality under subsection 3 of section 81 of *The Secondary Schools and Boards of Education Act*, property referred to in section 88 of *The Assessment Act, 1968-69* is assessed in the year 1969 pursuant to such section 88, the amount for which it is so assessed, when adjusted by the application of the appropriate provincial equalization factor, shall be added to the assessment of the municipality or the district municipality made in the year 1968 as adjusted by the application of the appropriate provincial equalization factor, and the whole of such assessment as so adjusted shall be deemed to be the equalized assessment of such municipality or district municipality for the purposes of apportionment of the sum required for school purposes in the year 1970 in accordance with section 86 of *The Secondary Schools and Boards of Education Act*. Assessment of concentrators and smelters in 1969 to be included for 1970 apportionment R.S.O. 1960, c. 362 1968-69, c. ...

17.—(1) This Act, except subsection 2 of section 1, subsections 1 and 6 of section 4, and sections 6, 7, 9, 12 and 13, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 6 of section 4, sections 7, 9 and 13 and subsections 1 and 3 of section 12 shall be deemed to have come into force on the 1st day of January, 1969. Idem

(3) Subsection 2 of section 1 shall be deemed to have come into force on the 1st day of July, 1969. Idem

(4) Section 6 shall be deemed to have come into force on the 1st day of September, 1969. Idem

(5) Subsection 1 of section 4 and subsection 2 of section 12 shall be deemed to have come into force on the 1st day of January, 1970. Idem

18. This Act may be cited as *The Schools Administration Amendment Act, 1968-69 (No. 2)*. Short title

An Act to amend
The Schools Administration Act

1st Reading

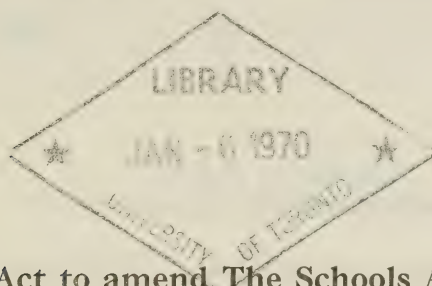
December 1st, 1969

2nd Reading

3rd Reading

MR. DAVIS

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Schools Administration Act

MR. DAVIS

(Reprinted as amended by the Education and University Affairs Committee)

EXPLANATORY NOTES

SECTION 1—Subsection 1. Obsolete references are removed.

Subsection 2. The definition is revised to clarify kindergarten attendance and to take into consideration summer-school and evening courses.

BILL 241

1968-69

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of subsection 2 of section 1 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 3,
repealed

(2) Paragraph 24 of subsection 2 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 24,
re-enacted

24. "perfect aggregate attendance" for a calendar year means the number of pupil-days obtained by adding,

i. the product of,

a. the number of teaching days in the calendar year, and

b. the sum of the number of pupils registered for full-day attendance, and one-half of the number of pupils registered for half-day attendance, at the school during the calendar year, and

ii. the sum of the products of,

a. the number of pupils enrolled in each summer-school course or each evening course of study operated by the board, and

b. one-fifth of the number of hours in the length of such summer-school course or such evening course of study,

and subtracting therefrom,

iii. the number of full pupil-days of non-attendance or the equivalent of full pupil-days of non-attendance (a full pupil-day being two days of non-attendance in the case of a pupil registered for half-day attendance, and five hours of non-attendance in the case of a pupil registered in a summer-school course or an evening course of study) caused by,

- a. deaths,
- b. late registrations,
- c. termination of registrations,
- d. expulsions, and
- e. exclusions.

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 35,
amended

(3) Paragraph 35 of subsection 2 of the said section 1 is amended by striking out "continuation" in the first line, so that the paragraph shall read as follows:

35. "secondary school" means a high or vocational school.

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 36,
amended

(4) Paragraph 36 of subsection 2 of the said section 1 is amended by striking out "continuation or" in the first line, so that the paragraph shall read as follows:

36. "secondary school district" means a high school district.

R.S.O. 1960,
c. 361, s. 17,
subs. 1,
amended

2. Subsection 1 of section 17 of *The Schools Administration Act* is amended by inserting after "made" in the seventh line "or has not been amended to incorporate any change made in the form of contract so prescribed", so that the subsection shall read as follows:

Memo-
randum
of contract

- (1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the

Subsections 3 and 4. Obsolete references are removed.

SECTION 2. The amendment is to make it clear that every contract is deemed to include the terms and conditions in the form of contract prescribed from time to time by the regulations even though the contract may not have been amended in accordance with any change in the form of contract so prescribed.

SECTION 3. The subsection, as re-enacted, clarifies the procedure with respect to the naming of representatives to a Board of Reference and allows two additional days for notification.

SECTION 4—Subsection 1. In addition to the powers of a board to invest moneys not required immediately, the board is empowered to lend such moneys to a municipality in accordance with paragraph 16*a*.

Subsection 2. Boards are authorized to provide activities and programmes as set out in the new paragraph 24*a*.

form of contract prescribed for a permanent teacher, and the teacher's salary shall be payable in ten monthly payments in the manner provided therein.

3. Subsection 3 of section 27 of *The Schools Administration Act*, as amended by section 6 of *The Schools Administration Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 27,
subs. 3,
re-enacted

- (3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved in the disagreement and the notice shall require each of them to name to the Board of Reference a representative who is not the teacher involved or a member of the board and to send by registered mail to the Minister a notice of such nomination within twelve days of the sending of the notice by the Minister. Naming of
repre-
sentatives

4.—(1) Paragraph 16a of section 35 of *The Schools Administration Act*, as enacted by subsection 1 of section 8 of *The Schools Administration Amendment Act, 1968*, is amended by inserting after "bank" in the fourth line "or lend such moneys to any municipality by way of promissory note of the municipality" and by striking out "or deposit certificates" in the sixth line and inserting in lieu thereof "deposit certificates or promissory notes", so that the paragraph shall read as follows: R.S.O. 1960,
c. 361, s. 35,
par. 16a
(1968,
c. 121, s. 8,
subs. 1),
amended

16a. invest moneys not required immediately by the board in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank or lend such moneys to any municipality by way of promissory note of the municipality, provided that the treasury bills, short-term bonds, deposit certificates or promissory notes become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys were invested. idem

(2) The said section 35 is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 361, s. 35,
amended

24a. provide, during the school year or at other times, activities and programmes on or off school premises, including field trips, and exercise jurisdiction over those persons participating therein. activities

R.S.O. 1960,
c. 361, s. 35,
amended (3) The said section 35 is further amended by adding
thereto the following paragraph:

evening
classes

27b. establish evening classes.

R.S.O. 1960,
c. 361, s. 35,
par. 29,
re-enacted (4) Paragraph 29 of the said section 35 is repealed and the
following substituted therefor:

board for
courses in
conservation

29. provide or pay for board and lodging for a pupil for
a period not exceeding two weeks in any year while
he participates, with the consent of his parent or
guardian and with the permission of the board, in a
natural science, conservation or other out-of-class-
room programmes.

R.S.O. 1960,
c. 361, s. 35,
par. 39
(1968,
c. 121, s. 8,
subs. 4),
re-enacted (5) Paragraph 39 of the said section 35, as enacted by sub-
section 4 of section 8 of *The Schools Administration Amend-
ment Act, 1968*, is repealed and the following substituted
therefor:

agreements
for joint
use of
facilities

39. enter into an agreement with the council of a muni-
cipality, including a regional municipality or a
county, or a local board thereof except a school
board, in respect of the joint use of educational and
municipal facilities.

R.S.O. 1960,
c. 361, s. 35,
amended (6) The said section 35 is further amended by adding
thereto the following paragraph:

recreation
committees

40. where a recreation committee or a joint recreation
committee has been appointed for territory without
municipal organization within the jurisdiction of the
board, exercise the powers and duties of a municipal
council with respect to preparing estimates of the
sums required during the year for the purposes of
the committee or joint committee, and levying rates
and collecting taxes for such purposes on the rateable
property supporting the board in such territory, and
where such a joint recreation committee has been
appointed, apportion the costs of such committee
by agreement with the other board concerned.

R.S.O. 1960,
c. 361,
amended **5.** *The Schools Administration Act* is amended by adding
thereto the following section:

Agreements
re pupils
in federal
establish-
ments

35e. A board may enter into an agreement with the
Crown in right of Canada for such periods and under
such conditions as are specified in the agreement
whereby the board may provide for the education
of pupils who reside on land held by the Crown in

Subsection 3. This amendment is to make the power of boards to establish evening courses more specific by including it in the section dealing with the powers and duties of boards.

Subsection 4. This paragraph is broadened to include out-of-classroom activities other than courses in conservation or natural science.

Subsection 5. The paragraph is re-enacted to apply to a county and a regional municipality.

Subsection 6. This paragraph is to permit a board to support a programme of recreation in territory without municipal organization.

SECTION 5. The amendment permits a board to enter into an agreement with the Federal Government for the education of pupils who reside in federal establishments.

SECTION 6. Subsection 11 will permit the payment of board and lodging for an elementary school pupil who resides in a school section or in a separate school zone where daily transportation is impracticable.

Subsection 12 is to allow the payment for board and lodging to be made when the pupil is absent due to sickness or is absent for any other cause if the principal considers the absence unavoidable.

SECTION 7—Subsection 1. Subsection 1 is amended to make it clear that the board may determine the period for which the annual allowance is granted.

Subsection 2. Subsection 1a is added to permit a board to grant an annual retirement allowance to the widow or widower of an employee under certain conditions.

right of Canada in a school or schools operated by the board on land owned by the board or by the Crown in right of Canada.

6. Section 37 of *The Schools Administration Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 361, s. 37, amended

(11) Where a pupil resides in a school section or a separate school zone with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the supervisory officer who has jurisdiction in the school section or the separate school zone, the board of the elementary school of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends. Boarding of elementary school pupils where transportation impracticable

(12) For the purpose of certifying attendance under subsections 6 to 11, the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being sick or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. Certification of attendance

7.—(1) Subsection 1 of section 40 of *The Schools Administration Act*, as amended by section 3 of *The Schools Administration Amendment Act, 1960-61*, is further amended by striking out "during his life" in the second line and inserting in lieu thereof "for such period as the board may determine", so that the first four lines of the subsection shall read as follows: R.S.O. 1960, c. 361, s. 40, subs. 1, amended

(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise for such period as the board may determine, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement allowances

(2) The said section 40 is amended by adding thereto the following subsection: R.S.O. 1960, c. 361, s. 40, amended

(1a) Where an employee, Widow or widower

(a) has been granted an annual retirement allowance under subsection 1 and subsequently dies; or

- (b) would have been eligible, except for his death, for such an allowance,

the board may grant to the widow or widower of such employee for such period as the board may determine an annual allowance, not exceeding one-half of the maximum allowance that may be granted under subsection 1.

R.S.O. 1960,
c. 361, s. 43,
subs. 9,
re-enacted

8.—(1) Subsection 9 of section 43 of *The Schools Administration Act* is repealed and the following substituted therefor:

Quorum

- (9) The presence of a majority of all the members constituting a board is necessary to form a quorum, except that when a board of education is dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board of education by the public school electors is necessary to form a quorum.

R.S.O. 1960,
c. 361, s. 43,
subs. 10,
amended

(2) Subsection 10 of the said section 43, as amended by section 8 of *The Schools Administration Amendment Act, 1965*, is further amended by striking out "subsection 1 of section 57" in the amendment of 1965 and inserting in lieu thereof "subsection 6 of section 83", so that the subsection shall read as follows:

Chairman
voting;
equality
of votes
R.S.O. 1960,
c. 362

- (10) Subject to subsection 6 of section 83 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

R.S.O. 1960,
c. 361, s. 54
(1966,
c. 140, s. 10),
subs. 1,
amended

9.—(1) Subsection 1 of section 54 of *The Schools Administration Act*, as re-enacted by section 10 of *The Schools Administration Amendment Act, 1966*, is amended by inserting after "board" in the third line "except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city", so that the subsection shall read as follows:

Biennial or
triennial
elections

- (1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board, except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city, and biennial or triennial elections have been provided for members of council,

SECTION 8—Subsection 1. This amendment reduces the number of members necessary to form a quorum when matters affecting public schools exclusively are being discussed.

Subsection 2. This amendment is to correct a reference.

SECTION 9. The amendments are to make it clear that the provisions of section 54 respecting biennial and triennial elections do not apply to a divisional board that is not a divisional board of a defined city or to a county or district combined separate school board.

SECTION 10. The sections repealed deal with procedures in respect of expropriation. These sections are not required as the procedures are provided in *The Expropriations Act, 1968-69*.

SECTION 11. This section, which refers to the preparation of school maps, is no longer required as the section of *The Public Schools Act* requiring the township clerk to prepare and furnish a map of the school sections was repealed in 1966 and the comparable section of *The Secondary Schools and Boards of Education Act* is to be repealed.

SECTION 12—Subsection 1. The amendment provides for the calculation of non-resident fees involving the use of a uniform accommodation charge in respect of capital costs.

the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be.

R.S.O. 1960,
c. 361, s. 54
(1966,
c. 140, s. 10),
subs. 4,
repealed

(2) Subsection 4 of the said section 54 is repealed.

10. Section 62, as amended by section 12 of *The Schools Administration Amendment Act, 1965*, and sections 63, 64, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 of *The Schools Administration Act* are repealed.

R.S.O. 1960,
c. 361,
ss. 62-64,
67, 69-79,
repealed

11. Section 92 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 92,
repealed

12.—(1) Subsection 1 of section 100a of *The Schools Administration Act*, as re-enacted by section 22 of *The Schools Administration Amendment Act, 1967* and amended by section 21 of *The Schools Administration Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361,
s. 100a,
subs. 1
(1967,
c. 90, s. 22),
re-enacted

(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of financial data and average daily enrolment in respect of elementary schools or secondary schools, as the case may be, for the year in which such education is provided,

Fees for
non-resident
pupils,
calculation

(a) by ascertaining the gross current expenditure for the maintenance of the schools under the jurisdiction of the board, excluding expenditure for tuition fees, for daily transportation of pupils to school and return and for board, lodging and transportation once a week to school and return;

(b) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;

(c) by deducting the amount determined under clause *b* from the amount determined under clause *a*;

(d) by ascertaining the average daily enrolment as adjusted by the application of the appropriate course weighting factors as prescribed in the regulations for the year in which such education is provided, of pupils at schools under the jurisdiction of the board;

- (e) by dividing the amount determined under clause *c* by the average daily enrolment as adjusted under clause *d*;
- (f) by multiplying the average daily enrolment, as adjusted by the application of the appropriate course weighting factors, of pupils whose fees are receivable from another board, from Canada or from Ontario, by the sum of,
 - (i) the amount determined under clause *e*, and
 - (ii) the pupil accommodation charge as prescribed in the regulations for the year in which such education is provided.

Average
daily
enrolment

- (1a) For the purposes of subsection 1, "average daily enrolment" in respect of elementary schools or secondary schools, as the case may be, means the quotient obtained by dividing the perfect aggregate attendance for a calendar year in respect of such schools by the number of school days in the year.

R.S.O. 1960,
c. 361,
s. 100a,
subs. 2
(1967,
c. 90, s. 22),
re-enacted

- (2) Subsection 2 of the said section 100a, as re-enacted by section 22 of *The Schools Administration Amendment Act*, 1967, is repealed and the following substituted therefor:

Special
education
classes

- (2) Where a board provides instruction in a special education class for a pupil,

- (a) whose fee is receivable from another board, from Canada or from Ontario, the fee shall be such as the board may prescribe, but shall not be less than the fee calculated under subsection 1 or more than the product obtained by multiplying the fee calculated under subsection 1 by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations;
- (b) whose fee is receivable from a parent or guardian, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the

Subsection 2. The amendment provides that the fee for special education pupils may be set by the board, provided it is not less than the fee for a regular class pupil or more than the amount obtained by adjusting such fee in accordance with the maximum permissible enrolment of the special education class in which the pupil is enrolled.

Subsection 3. (a) Provision is made for the calculation of non-resident fees for trainable retarded children for the year 1969.

(b) There are no longer any cases where fees are payable by a municipal council and the provisions therefor are repealed.

SECTION 13. Provision is made for the application of grants to limit the increase in education levies and for adjusting the levy in the following year where the estimates differ from the amount actually required.

pupil is enrolled and under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations.

R.S.O. 1960,
c. 361,
s. 100*a*
(1965,
c. 118, s. 18),
subss. 3-5,
re-enacted

(3) Subsections 3, 4 and 5 of the said section 100*a* are repealed and the following substituted therefor:

(3) For the purposes of calculating fees for the year 1969 under subsection 1 for a pupil who attends a school for trainable retarded children, the financial data and average daily enrolment in respect of such schools under the jurisdiction of the board shall be used.

Fees for
trainable
retarded
children
for 1969

(4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board, from Canada or from Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants and except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

Fees pay-
able by
individuals

(5) The fees payable by a board for the education of pupils shall be paid, when requested by the treasurer of the board that provides the education, on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

When fees
payable by
boards

13. Part X of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act, 1962-63* and amended by section 18 of *The Schools Administration Amendment Act, 1965*, section 22 of *The Schools Administration Amendment Act, 1967* and section 21 of *The Schools Administration Amendment Act, 1968*, is further amended by adding thereto the following section:

R.S.O. 1960,
c. 361, Pt. X
(ss. 100,
100*a*),
amended

Reduction
of requisition
or
rates

100b.—(1) Where in any year provision is made by regulation for a grant to a board for the purpose, in such year, of limiting the amount of the requisition for public or secondary school purposes or of limiting the increase in the mill rate for separate school purposes in respect of,

(a) a municipality or part thereof; or

(b) a part of territory without municipal organization that is deemed to be a district municipality,

under the jurisdiction of the board, the board shall, in such year, notwithstanding the provisions of any other Act, apply the grant to reduce the amount of the requisition that otherwise would be required for public or secondary school purposes or to reduce the mill rate that otherwise would be required to be levied for separate school purposes, as the case may be, in respect of the municipality or part thereof, or the district municipality.

Application
of grant

(2) Where, after the audited financial data in respect of a board for a year have been determined, the sum that was required for the actual expenditures for elementary or secondary school purposes of the board from a municipality or part, or district municipality, when reduced by the amount of the grant that is receivable by the board in respect of such municipality or part, or district municipality, pursuant to regulations referred to in subsection 1 differs from the sum that was requisitioned from, or levied in, such municipality or part, or district municipality, the difference shall be added to or subtracted from the sum that is estimated to be required from, or levied in, such municipality or part, or district municipality, for elementary or secondary school purposes in the next following year.

R.S.O. 1960,
c. 361, s. 104
(1964,
c. 105, s. 11),
subs. 1,
amended

14. Subsection 1 of section 104 of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after "board" in the first line "except a divisional board of education under Part VI of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows:

Submission
of estimates
of board
to council
R.S.O. 1960,
c. 362

(1) Every public and secondary school board, except a divisional board of education under Part VI of *The Secondary Schools and Boards of Education Act*, shall

SECTION 14. The estimates of divisional boards are dealt with in section 85 of *The Secondary Schools and Boards of Education Act*. This amendment excepts divisional boards from the general provision requiring the submission of estimates of school boards to municipalities.

SECTION 15. The new Part XII provides for the establishment of school board advisory committees.

submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined under section 103.

15. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 361,
amended

PART XII

SCHOOL BOARD ADVISORY COMMITTEES

110. In this Part,

Interpre-
tation

(a) "board" means a board of education or a board to which any provision of Part III of *The Separate Schools Act* applies and includes the Metropolitan Separate School Board; R.S.O. 1960,
c. 368

(b) "committee" means a school board advisory committee formed under this Part.

111. A board may establish a school board advisory committee. Committee
establish-
ment

112.—(1) The committee shall be composed of, Composition

(a) three members of the board appointed by the board;

(b) the chief education officer of the board or his nominee;

(c) six teachers employed by the board, appointed by the teachers in the employ of the board;

(d) four persons appointed by the board who are are neither teachers nor members of a board, but who are resident within the jurisdiction of the board; and



(e) the persons appointed under subsections 2 and 3.

(2) In the case of a separate school board, where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee two persons selected by the Council or Councils. Separate
school
board

Board of
education

(3) In the case of a board of education,

- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council or Councils;
- (b) where the Home and School Council organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council; and
- (c) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*.

Notice of
teacher
appointees

- (4) The teachers shall submit to the board, not later than the 31st day of January in each year, the names of the appointees under clause *c* of subsection 1.

Appoint-
ment and
term of
office

- (5) Members of the committee shall be appointed on or before the 31st day of January in each year and shall hold office for one year.

Re-appoint-
ment

- (6) Except for the chief education officer, a member of the committee shall not hold office for more than three years in succession.

Vacancies

- (7) Every vacancy on a committee occasioned by the death or resignation of a member, or by any other cause, shall be filled by a person qualified under subsection 1 and appointed by the body or person that appointed the member whose office has become vacant, and every person so appointed shall hold office for the unexpired portion of the term of such member.

Application
1970

- (8) For the year 1970, the dates referred to in this Part do not apply, but any person appointed to a committee after the 31st day of January in the year 1970 shall hold office until the 31st day of January, 1971.

First
meeting

- 113.—(1) The chairman of the board shall call the first meeting of the committee not later than the 28th

SECTION 16. This section is to enable assessment made in 1969 re concentrators and smelters under section 88 of *The Assessment Act, 1968-69* to be used for the purpose of apportionment of school costs in 1970.

day of February in each year, and shall preside at such meeting until the chairman of the committee is elected.

- (2) The chairman of the committee shall be elected by ^{Chairman} the committee at its first meeting in each year.
 - (3) Eight members of the committee constitute a quorum ^{Quorum} and a vote of the majority of the members present is necessary to bind the committee.
 - (4) The committee may establish such sub-committees ^{Sub-committees} as it considers necessary.
- 114.—(1) The board shall provide a recording secretary ^{Recording secretary} for the committee.
- (2) The committee shall, as required by the board, ^{Budget} submit to the board for approval a budget of its estimated expenditures for the calendar year.
 - (3) The board shall pay such expenditures of the ^{Expenditures} committee as are approved by the board.
- 115.—(1) The committee may make reports and recommendations to the board in respect of any educational matter pertaining to the schools under the jurisdiction of the board. ^{Powers of committee}
- (2) Notwithstanding subsection 1, the committee shall ^{Limitation} not concern itself with salaries of employees of the board or with matters pertaining to personnel problems and policies relating to personnel.
 - (3) The board shall consider any report or recommendation ^{Consideration of reports} submitted to it by the committee and shall not refuse its approval without having given the committee, or its representatives, an opportunity to be heard by the board.

16. Where, in a municipality or in territory without municipal organization that is deemed a district municipality under subsection 3 of section 81 of *The Secondary Schools and Boards of Education Act*, property referred to in section 88 of *The Assessment Act, 1968-69* is assessed in the year 1969 pursuant to such section 88, the amount for which it is so assessed, when adjusted by the application of the appropriate provincial equalization factor, shall be added to the assessment of the municipality or the district municipality made in the

Assessment of concentrators and smelters in 1969 to be included for 1970 apportionment
R.S.O. 1960, c. 362
1968-69, c. ...

year 1968 as adjusted by the application of the appropriate provincial equalization factor, and the whole of such assessment as so adjusted shall be deemed to be the equalized assessment of such municipality or district municipality for the purposes of apportionment of the sum required for school purposes in the year 1970 in accordance with section 86 of *The Secondary Schools and Boards of Education Act*.

Commence-
ment

17.—(1) This Act, except subsection 2 of section 1, subsections 1 and 6 of section 4, and sections 6, 7, 9, 12 and 13, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 6 of section 4, sections 7, 9 and 13 and subsections 1 and 3 of section 12 shall be deemed to have come into force on the 1st day of January, 1969.

Idem

(3) Subsection 2 of section 1 shall be deemed to have come into force on the 1st day of July, 1969.

Idem

(4) Section 6 shall be deemed to have come into force on the 1st day of September, 1969.

Idem

(5) Subsection 1 of section 4 and subsection 2 of section 12 come into force on the 1st day of January, 1970.

Short title

18. This Act may be cited as *The Schools Administration Amendment Act, 1968-69 (No. 2)*.



An Act to amend
The Schools Administration Act

1st Reading

December 1st, 1969

2nd Reading

December 3rd, 1969

3rd Reading

MR. DAVIS

*(Reprinted as amended by the Education and
University Affairs Committee)*

BILL 241

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Schools Administration Act

MR. DAVIS

BILL 241

1968-69

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of subsection 2 of section 1 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 3,
repealed

(2) Paragraph 24 of subsection 2 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 24,
re-enacted

24. "perfect aggregate attendance" for a calendar year means the number of pupil-days obtained by adding,

i. the product of,

- a. the number of teaching days in the calendar year, and
- b. the sum of the number of pupils registered for full-day attendance, and one-half of the number of pupils registered for half-day attendance, at the school during the calendar year, and

ii. the sum of the products of,

- a. the number of pupils enrolled in each summer-school course or each evening course of study operated by the board, and
- b. one-fifth of the number of hours in the length of such summer-school course or such evening course of study,

and subtracting therefrom,

- iii. the number of full pupil-days of non-attendance or the equivalent of full pupil-days of non-attendance (a full pupil-day being two days of non-attendance in the case of a pupil registered for half-day attendance, and five hours of non-attendance in the case of a pupil registered in a summer-school course or an evening course of study) caused by,

- a. deaths,
- b. late registrations,
- c. termination of registrations,
- d. expulsions, and
- e. exclusions.

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 35,
amended

(3) Paragraph 35 of subsection 2 of the said section 1 is amended by striking out "continuation" in the first line, so that the paragraph shall read as follows:

35. "secondary school" means a high or vocational school.

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 36,
amended

(4) Paragraph 36 of subsection 2 of the said section 1 is amended by striking out "continuation or" in the first line, so that the paragraph shall read as follows:

36. "secondary school district" means a high school district.

R.S.O. 1960,
c. 361, s. 17,
subs. 1,
amended

2. Subsection 1 of section 17 of *The Schools Administration Act* is amended by inserting after "made" in the seventh line "or has not been amended to incorporate any change made in the form of contract so prescribed", so that the subsection shall read as follows:

Memo-
randum
of contract

- (1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the

form of contract prescribed for a permanent teacher, and the teacher's salary shall be payable in ten monthly payments in the manner provided therein.

3. Subsection 3 of section 27 of *The Schools Administration Act*, as amended by section 6 of *The Schools Administration Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 27,
subs. 3,
re-enacted

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved in the disagreement and the notice shall require each of them to name to the Board of Reference a representative who is not the teacher involved or a member of the board and to send by registered mail to the Minister a notice of such nomination within twelve days of the sending of the notice by the Minister. Naming of
repre-
sentatives

4.—(1) Paragraph 16a of section 35 of *The Schools Administration Act*, as enacted by subsection 1 of section 8 of *The Schools Administration Amendment Act, 1968*, is amended by inserting after "bank" in the fourth line "or lend such moneys to any municipality by way of promissory note of the municipality" and by striking out "or deposit certificates" in the sixth line and inserting in lieu thereof "deposit certificates or promissory notes", so that the paragraph shall read as follows: R.S.O. 1960,
c. 361, s. 35,
par. 16a
(1968,
c. 121, s. 8,
subs. 1),
amended

16a. invest moneys not required immediately by the board in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank or lend such moneys to any municipality by way of promissory note of the municipality, provided that the treasury bills, short-term bonds, deposit certificates or promissory notes become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys were invested. idem

(2) The said section 35 is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 361, s. 35,
amended

24a. provide, during the school year or at other times, activities, activities and programmes on or off school premises, including field trips, and exercise jurisdiction over those persons participating therein. activities

R.S.O. 1960,
c. 361, s. 35,
amended (3) The said section 35 is further amended by adding
thereto the following paragraph:

evening
classes 27b. establish evening classes.

R.S.O. 1960,
c. 361, s. 35,
par. 29,
re-enacted (4) Paragraph 29 of the said section 35 is repealed and the
following substituted therefor:

board for
courses in
conservation 29. provide or pay for board and lodging for a pupil for
a period not exceeding two weeks in any year while
he participates, with the consent of his parent or
guardian and with the permission of the board, in a
natural science, conservation or other out-of-class-
room programmes.

R.S.O. 1960,
c. 361, s. 35,
par. 39
(1968,
c. 121, s. 8,
subs. 4),
re-enacted (5) Paragraph 39 of the said section 35, as enacted by sub-
section 4 of section 8 of *The Schools Administration Amend-
ment Act, 1968*, is repealed and the following substituted
therefor:

agreements
for joint
use of
facilities 39. enter into an agreement with the council of a muni-
cipality, including a regional municipality or a
county, or a local board thereof except a school
board, in respect of the joint use of educational and
municipal facilities.

R.S.O. 1960,
c. 361, s. 35,
amended (6) The said section 35 is further amended by adding
thereto the following paragraph:

recreation
committees 40. where a recreation committee or a joint recreation
committee has been appointed for territory without
municipal organization within the jurisdiction of the
board, exercise the powers and duties of a municipal
council with respect to preparing estimates of the
sums required during the year for the purposes of
the committee or joint committee, and levying rates
and collecting taxes for such purposes on the rateable
property supporting the board in such territory, and
where such a joint recreation committee has been
appointed, apportion the costs of such committee
by agreement with the other board concerned.

R.S.O. 1960,
c. 361,
amended 5. *The Schools Administration Act* is amended by adding
thereto the following section:

Agreements
re pupils
in federal
establish-
ments 35e. A board may enter into an agreement with the
Crown in right of Canada for such periods and under
such conditions as are specified in the agreement
whereby the board may provide for the education
of pupils who reside on land held by the Crown in

right of Canada in a school or schools operated by the board on land owned by the board or by the Crown in right of Canada.

6. Section 37 of *The Schools Administration Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 361, s. 37,
amended

(11) Where a pupil resides in a school section or a separate school zone with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the supervisory officer who has jurisdiction in the school section or the separate school zone, the board of the elementary school of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends. Boarding of
elementary
school pupils
where trans-
portation
impracti-
cable

(12) For the purpose of certifying attendance under subsections 6 to 11, the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being sick or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. Certification
of
attendance

7.—(1) Subsection 1 of section 40 of *The Schools Administration Act*, as amended by section 3 of *The Schools Administration Amendment Act, 1960-61*, is further amended by striking out "during his life" in the second line and inserting in lieu thereof "for such period as the board may determine", so that the first four lines of the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 40,
subs. 1,
amended

(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise for such period as the board may determine, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement
allowances

(2) The said section 40 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 361, s. 40,
amended

(1a) Where an employee, Widow or
widower

(a) has been granted an annual retirement allowance under subsection 1 and subsequently dies; or

- (b) would have been eligible, except for his death, for such an allowance,

the board may grant to the widow or widower of such employee for such period as the board may determine an annual allowance, not exceeding one-half of the maximum allowance that may be granted under subsection 1.

R.S.O. 1960,
c. 361, s. 43,
subs. 9,
re-enacted

8.—(1) Subsection 9 of section 43 of *The Schools Administration Act* is repealed and the following substituted therefor:

Quorum

- (9) The presence of a majority of all the members constituting a board is necessary to form a quorum, except that when a board of education is dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board of education by the public school electors is necessary to form a quorum.

R.S.O. 1960,
c. 361, s. 43,
subs. 10,
amended

(2) Subsection 10 of the said section 43, as amended by section 8 of *The Schools Administration Amendment Act, 1965*, is further amended by striking out "subsection 1 of section 57" in the amendment of 1965 and inserting in lieu thereof "subsection 6 of section 83", so that the subsection shall read as follows:

Chairman
voting;
equality
of votes
R.S.O. 1960,
c. 362

- (10) Subject to subsection 6 of section 83 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negated.

R.S.O. 1960,
c. 361, s. 54
(1966,
c. 140, s. 10),
subs. 1,
amended

9.—(1) Subsection 1 of section 54 of *The Schools Administration Act*, as re-enacted by section 10 of *The Schools Administration Amendment Act, 1966*, is amended by inserting after "board" in the third line "except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city", so that the subsection shall read as follows:

Biennial or
triennial
elections

- (1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board, except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city, and biennial or triennial elections have been provided for members of council,

the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be.

R.S.O. 1960,
c. 361, s. 54
(1966,
c. 140, s. 10),
subs. 4,
repealed

(2) Subsection 4 of the said section 54 is repealed.

10. Section 62, as amended by section 12 of *The Schools Administration Amendment Act, 1965*, and sections 63, 64, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 of *The Schools Administration Act* are repealed.

R.S.O. 1960,
c. 361,
ss. 62-64,
67, 69-79,
repealed

11. Section 92 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 92,
repealed

12.—(1) Subsection 1 of section 100a of *The Schools Administration Act*, as re-enacted by section 22 of *The Schools Administration Amendment Act, 1967* and amended by section 21 of *The Schools Administration Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361,
s. 100a,
subs. 1
(1967,
c. 90, s. 22),
re-enacted

- (1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of financial data and average daily enrolment in respect of elementary schools or secondary schools, as the case may be, for the year in which such education is provided,
- Fees for
non-resident
pupils,
calculation
- (a) by ascertaining the gross current expenditure for the maintenance of the schools under the jurisdiction of the board, excluding expenditure for tuition fees, for daily transportation of pupils to school and return and for board, lodging and transportation once a week to school and return;
 - (b) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;
 - (c) by deducting the amount determined under clause *b* from the amount determined under clause *a*;
 - (d) by ascertaining the average daily enrolment as adjusted by the application of the appropriate course weighting factors as prescribed in the regulations for the year in which such education is provided, of pupils at schools under the jurisdiction of the board;

- (e) by dividing the amount determined under clause *c* by the average daily enrolment as adjusted under clause *d*;
- (f) by multiplying the average daily enrolment, as adjusted by the application of the appropriate course weighting factors, of pupils whose fees are receivable from another board, from Canada or from Ontario, by the sum of,
 - (i) the amount determined under clause *e*, and
 - (ii) the pupil accommodation charge as prescribed in the regulations for the year in which such education is provided.

Average
daily
enrolment

- (1a) For the purposes of subsection 1, "average daily enrolment" in respect of elementary schools or secondary schools, as the case may be, means the quotient obtained by dividing the perfect aggregate attendance for a calendar year in respect of such schools by the number of school days in the year.

R.S.O. 1960,
c. 361,
s. 100a,
subs. 2
(1967,
c. 90, s. 22),
re-enacted

- (2) Subsection 2 of the said section 100a, as re-enacted by section 22 of *The Schools Administration Amendment Act*, 1967, is repealed and the following substituted therefor:

Special
education
classes

- (2) Where a board provides instruction in a special education class for a pupil,
 - (a) whose fee is receivable from another board, from Canada or from Ontario, the fee shall be such as the board may prescribe, but shall not be less than the fee calculated under subsection 1 or more than the product obtained by multiplying the fee calculated under subsection 1 by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations;
 - (b) whose fee is receivable from a parent or guardian, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the

pupil is enrolled and under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations.

R.S.O. 1960,
c. 361,
s. 100*a*
(1965,
c. 118, s. 18),
subss. 3-5,
re-enacted

(3) Subsections 3, 4 and 5 of the said section 100*a* are repealed and the following substituted therefor:

- (3) For the purposes of calculating fees for the year 1969 under subsection 1 for a pupil who attends a school for trainable retarded children, the financial data and average daily enrolment in respect of such schools under the jurisdiction of the board shall be used. Fees for trainable retarded children for 1969
- (4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board, from Canada or from Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants and except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled. Fees payable by individuals
- (5) The fees payable by a board for the education of pupils shall be paid, when requested by the treasurer of the board that provides the education, on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term. When fees payable by boards

13. Part X of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act, 1962-63* and amended by section 18 of *The Schools Administration Amendment Act, 1965*, section 22 of *The Schools Administration Amendment Act, 1967* and section 21 of *The Schools Administration Amendment Act, 1968*, is further amended by adding thereto the following section:

R.S.O. 1960,
c. 361, Pt. X
(ss. 100,
100*a*),
amended

Reduction
of requisition
or
rates

100b.—(1) Where in any year provision is made by regulation for a grant to a board for the purpose, in such year, of limiting the amount of the requisition for public or secondary school purposes or of limiting the increase in the mill rate for separate school purposes in respect of,

(a) a municipality or part thereof; or

(b) a part of territory without municipal organization that is deemed to be a district municipality,

under the jurisdiction of the board, the board shall, in such year, notwithstanding the provisions of any other Act, apply the grant to reduce the amount of the requisition that otherwise would be required for public or secondary school purposes or to reduce the mill rate that otherwise would be required to be levied for separate school purposes, as the case may be, in respect of the municipality or part thereof, or the district municipality.

Application
of grant

(2) Where, after the audited financial data in respect of a board for a year have been determined, the sum that was required for the actual expenditures for elementary or secondary school purposes of the board from a municipality or part, or district municipality, when reduced by the amount of the grant that is receivable by the board in respect of such municipality or part, or district municipality, pursuant to regulations referred to in subsection 1 differs from the sum that was requisitioned from, or levied in, such municipality or part, or district municipality, the difference shall be added to or subtracted from the sum that is estimated to be required from, or levied in, such municipality or part, or district municipality, for elementary or secondary school purposes in the next following year.

R.S.O. 1960,
c. 361, s. 104
(1964,
c. 105, s. 11),
subs. 1,
amended

14. Subsection 1 of section 104 of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after "board" in the first line "except a divisional board of education under Part VI of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows:

Submission
of estimates
of board
to council
R.S.O. 1960,
c. 362

(1) Every public and secondary school board, except a divisional board of education under Part VI of *The Secondary Schools and Boards of Education Act*, shall

submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined under section 103.

15. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 361,
amended

PART XII

SCHOOL BOARD ADVISORY COMMITTEES

110. In this Part,

Interpre-
tation

(a) “board” means a board of education or a board to which any provision of Part III of *The Separate Schools Act* applies and includes the Metropolitan Separate School Board; R.S.O. 1960,
c. 368

(b) “committee” means a school board advisory committee formed under this Part.

111. A board may establish a school board advisory committee. Committee
establish-
ment

112.—(1) The committee shall be composed of,

Composition

(a) three members of the board appointed by the board;

(b) the chief education officer of the board or his nominee;

(c) six teachers employed by the board, appointed by the teachers in the employ of the board;

(d) four persons appointed by the board who are are neither teachers nor members of a board, but who are resident within the jurisdiction of the board; and

(e) the persons appointed under subsections 2 and 3.

(2) In the case of a separate school board, where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee two persons selected by the Council or Councils. Separate
school
board

Board of
education

(3) In the case of a board of education,

- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council or Councils;
- (b) where the Home and School Council organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council; and
- (c) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*.

Notice of
teacher
appointees

- (4) The teachers shall submit to the board, not later than the 31st day of January in each year, the names of the appointees under clause *c* of subsection 1.

Appoint-
ment and
term of
office

- (5) Members of the committee shall be appointed on or before the 31st day of January in each year and shall hold office for one year.

Re-appoint-
ment

- (6) Except for the chief education officer, a member of the committee shall not hold office for more than three years in succession.

Vacancies

- (7) Every vacancy on a committee occasioned by the death or resignation of a member, or by any other cause, shall be filled by a person qualified under subsection 1 and appointed by the body or person that appointed the member whose office has become vacant, and every person so appointed shall hold office for the unexpired portion of the term of such member.

Application
1970

- (8) For the year 1970, the dates referred to in this Part do not apply, but any person appointed to a committee after the 31st day of January in the year 1970 shall hold office until the 31st day of January, 1971.

First
meeting

- 113.—(1) The chairman of the board shall call the first meeting of the committee not later than the 28th

day of February in each year, and shall preside at such meeting until the chairman of the committee is elected.

- (2) The chairman of the committee shall be elected by ^{Chairman} the committee at its first meeting in each year.
- (3) Eight members of the committee constitute a quorum ^{Quorum} and a vote of the majority of the members present is necessary to bind the committee.
- (4) The committee may establish such sub-committees ^{Sub-committees} as it considers necessary.

114.—(1) The board shall provide a recording secretary ^{Recording secretary} for the committee.

- (2) The committee shall, as required by the board, ^{Budget} submit to the board for approval a budget of its estimated expenditures for the calendar year.
- (3) The board shall pay such expenditures of the ^{Expenditures} committee as are approved by the board.

115.—(1) The committee may make reports and recommendations to the board in respect of any educational matter pertaining to the schools under the jurisdiction of the board. ^{Powers of committee}

- (2) Notwithstanding subsection 1, the committee shall ^{Limitation} not concern itself with salaries of employees of the board or with matters pertaining to personnel problems and policies relating to personnel.
- (3) The board shall consider any report or recommendation submitted to it by the committee and shall not ^{Consideration of reports} refuse its approval without having given the committee, or its representatives, an opportunity to be heard by the board.

16. Where, in a municipality or in territory without municipal organization that is deemed a district municipality under subsection 3 of section 81 of *The Secondary Schools and Boards of Education Act*, property referred to in section 88 of *The Assessment Act, 1968-69* is assessed in the year 1969 pursuant to such section 88, the amount for which it is so assessed, when adjusted by the application of the appropriate provincial equalization factor, shall be added to the assessment of the municipality or the district municipality made in the ^{Assessment of concentrators and smelters in 1969 to be included for 1970 apportionment R.S.O. 1960, c. 362, 1968-69, c. ...}

year 1968 as adjusted by the application of the appropriate provincial equalization factor, and the whole of such assessment as so adjusted shall be deemed to be the equalized assessment of such municipality or district municipality for the purposes of apportionment of the sum required for school purposes in the year 1970 in accordance with section 86 of *The Secondary Schools and Boards of Education Act*.

Commence-
ment

17.—(1) This Act, except subsection 2 of section 1, subsections 1 and 6 of section 4, and sections 6, 7, 9, 12 and 13, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 6 of section 4, sections 7, 9 and 13 and subsections 1 and 3 of section 12 shall be deemed to have come into force on the 1st day of January, 1969.

Idem

(3) Subsection 2 of section 1 shall be deemed to have come into force on the 1st day of July, 1969.

Idem

(4) Section 6 shall be deemed to have come into force on the 1st day of September, 1969.

Idem

(5) Subsection 1 of section 4 and subsection 2 of section 12 come into force on the 1st day of January, 1970.

Short title

18. This Act may be cited as *The Schools Administration Amendment Act, 1968-69 (No. 2)*.

An Act to amend
The Schools Administration Act

1st Reading

December 1st, 1969

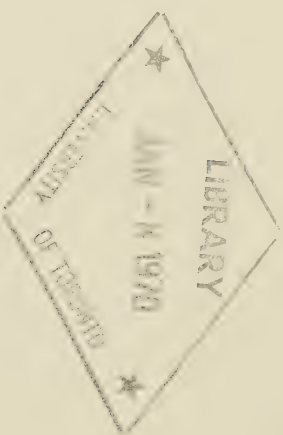
2nd Reading

December 3rd, 1969

3rd Reading

December 17th, 1969

MR. DAVIS



2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act respecting Scholarships for
Osgoode Hall Law School of York University**

MR. DAVIS



EXPLANATORY NOTE

The Bill provides for the transfer of certain scholarship, bursary and loan funds now held by the Law Society for the benefit of students at Osgoode Hall Law School to York University for the benefit of students at the Osgoode Hall Law School of York University.

BILL 242

1968-69

An Act respecting Scholarships for Osgoode Hall Law School of York University

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Law Society" means The Law Society of Upper Canada;
- (b) "Osgoode-York" means the faculty of law of York University presently known as the Osgoode Hall Law School of York University and as it is known from time to time;
- (c) "Senate" means the Senate of York University;
- (d) "University" means York University.

2. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late William Bruce Henderson, and the University shall hold and invest such property and apply the income therefrom in awarding bursaries or scholarships to students at Osgoode-York in such manner as the Senate may from time to time determine, with suitable recognition to the late William Bruce Henderson.

William
Bruce
Henderson
Scholarship

3. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the donation made to the Law Society by Lady Jane Van Koughnet, on behalf of herself and Captain Edmund Barker Van Koughnet, to found a scholarship or scholarships in memory of The Honourable Philip Michael Mathew Scott Van Koughnet, a former Chancellor of Upper Canada and of Ontario, and the University shall hold and invest such property and apply the income

Van
Koughnet
Scholarship

therefrom in awarding an annual scholarship, to be known as the Chancellor Van Koughnet Scholarship, to such student at Osgoode-York who shall achieve the highest academic standing in the graduating class.

Christopher
Robinson
Memorial
Scholarship

4. The University is hereby appointed trustee in the place of the Canada Permanent Trust Company, and the Law Society with respect to the property that is subject to the provisions of the gifts made by members of the Bench and Bar of the Province of Ontario to perpetuate the memory of the late Christopher Robinson, and the University shall hold and invest such property and apply the income therefrom in awarding a scholarship, to be known as the Christopher Robinson Memorial Scholarship, to a student at Osgoode-York in such manner as the Senate may from time to time determine.

Clara Brett
Martin
Memorial
Scholarship

5. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the gifts made to the Law Society by members of The Women's Law Association of Ontario to establish a prize or scholarship, to be known as the Clara Brett Martin Memorial Scholarship, and the University shall hold and invest such property and apply the income therefrom in awarding a scholarship, to be known as The Clara Brett Martin Memorial Scholarship, to that student at Osgoode-York who attains the highest standing in the estate planning course or in the course of study which from time to time in the opinion of the Senate is most closely associated with the subject of estate planning.

Matthew
Wilson
Scholarship

6. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late Matthew Wilson, and the University shall hold and invest such property and apply the income therefrom in awarding an annual scholarship, to be known as the Matthew Wilson Scholarship, to a member of the graduating class of Osgoode-York on such basis as the Senate may from time to time determine.

Bernard
and Faye
Weinberg
Bursary

7. The University is hereby appointed trustee in the place of The Law Society Foundation with respect to the property that is subject to the provisions of the donation made to The Law Society Foundation by Bernard Weinberg, and the University shall hold and invest such property and disburse the income therefrom and the capital thereof at the rate of \$200 annually in awarding a bursary, to be known as the Bernard and Faye Weinberg Bursary, to a student in the second or a subsequent year at Osgoode-York who has proved scholastic ability and who may experience financial

difficulty in continuing the course at Osgoode-York, the decision as to worth and need to be in the discretion of the Senate.

8. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the donation made to the Law Society by The Honourable Wallace Nesbitt, and the University shall hold and invest such property and apply the income therefrom for the improvement of legal education at Osgoode-York, the encouragement of legal research or the awarding of bursaries or scholarships to students at Osgoode-York, as a memorial to The Honourable Wallace Nesbitt, in such manner as the Senate may from time to time determine.

Honourable
Wallace
Nesbitt
Memorial

9. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the trust for the establishment of a prize, bursary or scholarship, to be known as the Osgoode Hall C.O.T.C. World War Memorial Prize, and the University shall hold and invest such property and apply the income therefrom in awarding prizes, bursaries or scholarships, to be known as the Osgoode Hall C.O.T.C. World War Memorial Prize, for the benefit of students at Osgoode-York in such manner as the Senate may from time to time determine, such awards to be made so far as practicable to those students who have served on active service or are sons or daughters of members of the Law Society who have served on active service, and within such classes preference shall be given to those students who, at the time of the awards, are actively identified with any unit of the armed forces of Canada.

Osgoode
Hall
C.O.T.C.
World War
Memorial
Prize

10. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late Harry R. Rose, and the University shall hold and invest such property and apply the income therefrom in awarding an annual scholarship, to be known as the Harry R. Rose Criminal Law Prize, to the student at Osgoode-York who attains the highest standing in the criminal law course or in the course of study which from time to time in the opinion of the Senate is most closely associated with the subject of criminal law.

Harry R.
Rose
Criminal
Law Prize

11. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the gift made to the Law Society by George M. Miller, Q.C., and the University shall hold and invest such property and apply the income therefrom in awarding a prize, to be known as the George M. Miller Prize, to that student in the final year at Osgoode-York who, of

George M.
Miller Prize

those students who were born in or who during each of the three years next preceding the last of the final year examinations have had their principal residence in Northern Ontario or whose parents or guardians have during each of such years had their principal residence in Northern Ontario, passes the final year examinations at Osgoode-York with the highest academic standing and, for the purposes of this section, Northern Ontario comprises that part of the Province of Ontario lying north and west of a line drawn through the towns of Mattawa and Parry Sound and includes such towns, but excludes any area having a more southerly latitude than Parry Sound, and all questions as to eligibility or the awarding of such prize shall be determined by the Senate or in such manner as the Senate may from time to time prescribe, and if for any reason no prize is awarded in any year, a second prize may be awarded in the following or a subsequent year as determined by the Senate.

Robert
James
McLaughlin
Bursary

12. The University is hereby appointed trustee in the place of the Law Society with respect to one-half of the property that is subject to the provisions of the bequest to the Law Society made by the late William Webster McLaughlin, and the University shall hold and invest such property and apply the income therefrom in memory of the late Robert James McLaughlin in awarding bursaries to worthy students at Osgoode-York or otherwise for educational purposes at Osgoode-York in such manner as the Senate may from time to time determine.

Norman
Di Lella
Memorial
Bursary

13. The University is hereby appointed trustee in the place of The Law Society Foundation with respect to the property that is subject to the provisions of the gifts made to The Law Society Foundation to perpetuate the memory of the late Norman Di Lella, and the University shall hold and invest such property and apply the income therefrom in awarding an annual bursary to a worthy student at Osgoode-York in memory of the late Norman Di Lella in such manner as the Senate may from time to time determine.

Gerald J.
Pickering
Memorial
Bursary

14. The University is hereby appointed trustee in the place of The Law Society Foundation with respect to the property that is subject to the provisions of the gifts made to The Law Society Foundation to perpetuate the memory of the late Gerald J. Pickering, and the University shall hold and invest such property and apply the income therefrom in awarding an annual bursary, to be known as the Gerald J. Pickering Memorial Bursary, to a worthy student at Osgoode-York, preferably one who has formerly attended McMaster University, in such manner as the Senate may from time to time determine.

15. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late Marjorie Forsyth Barlow to establish a scholarship in memory of her husband the late Honourable Mr. Justice F. H. Barlow, and the University shall hold and invest such property and apply the income therefrom in awarding an annual scholarship to the male student ranking highest at Osgoode-York in Commercial Law or some subject or subjects thereof, such as Company Law, to be determined from time to time by the Senate, the said scholarship to be known as The Honourable Mr. Justice F. H. Barlow Scholarship in Commercial Law (or in the said subject or subjects thereof, as the case may be) and should more than one male student in any year tie for the said scholarship in any year, it shall be awarded to that one, who, in the opinion of the Senate would benefit most from receiving it.

16. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest made to the Law Society by the late Chief Justice Newton W. Rowell and the University shall hold and invest such property and apply the income therefrom in awarding a scholarship at Osgoode-York in the subject of International Law in such manner as the Senate may from time to time determine.

17. The Law Society and other persons or corporations holding the property subject to the provisions of the gifts, donations, trusts, bequests, devises and grants referred to in sections 2 to 16 shall, forthwith after this Act comes into force, transfer and convey such property, together with all rights relating thereto, to the University.

18. This Act comes into force on the day it receives Royal Assent.

19. This Act may be cited as *The Osgoode Hall Law School Scholarships Act, 1968-69*.

An Act respecting
Scholarships for Osgoode Hall
Law School of York University

1st Reading

December 1st, 1969

2nd Reading

3rd Reading

MR. DAVIS

BILL 242

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act respecting Scholarships for
Osgoode Hall Law School of York University

MR. DAVIS

BILL 242

1968-69

An Act respecting Scholarships for Osgoode Hall Law School of York University

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Law Society" means The Law Society of Upper Canada;
- (b) "Osgoode-York" means the faculty of law of York University presently known as the Osgoode Hall Law School of York University and as it is known from time to time;
- (c) "Senate" means the Senate of York University;
- (d) "University" means York University.

2. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late William Bruce Henderson, and the University shall hold and invest such property and apply the income therefrom in awarding bursaries or scholarships to students at Osgoode-York in such manner as the Senate may from time to time determine, with suitable recognition to the late William Bruce Henderson.

William
Bruce
Henderson
Scholarship

3. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the donation made to the Law Society by Lady Jane Van Koughnet, on behalf of herself and Captain Edmund Barker Van Koughnet, to found a scholarship or scholarships in memory of The Honourable Philip Michael Mathew Scott Van Koughnet, a former Chancellor of Upper Canada and of Ontario, and the University shall hold and invest such property and apply the income

Van
Koughnet
Scholarship

therefrom in awarding an annual scholarship, to be known as the Chancellor Van Koughnet Scholarship, to such student at Osgoode-York who shall achieve the highest academic standing in the graduating class.

Christopher
Robinson
Memorial
Scholarship

4. The University is hereby appointed trustee in the place of the Canada Permanent Trust Company, and the Law Society with respect to the property that is subject to the provisions of the gifts made by members of the Bench and Bar of the Province of Ontario to perpetuate the memory of the late Christopher Robinson, and the University shall hold and invest such property and apply the income therefrom in awarding a scholarship, to be known as the Christopher Robinson Memorial Scholarship, to a student at Osgoode-York in such manner as the Senate may from time to time determine.

Clara Brett
Martin
Memorial
Scholarship

5. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the gifts made to the Law Society by members of The Women's Law Association of Ontario to establish a prize or scholarship, to be known as the Clara Brett Martin Memorial Scholarship, and the University shall hold and invest such property and apply the income therefrom in awarding a scholarship, to be known as The Clara Brett Martin Memorial Scholarship, to that student at Osgoode-York who attains the highest standing in the estate planning course or in the course of study which from time to time in the opinion of the Senate is most closely associated with the subject of estate planning.

Matthew
Wilson
Scholarship

6. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late Matthew Wilson, and the University shall hold and invest such property and apply the income therefrom in awarding an annual scholarship, to be known as the Matthew Wilson Scholarship, to a member of the graduating class of Osgoode-York on such basis as the Senate may from time to time determine.

Bernard
and Faye
Weinberg
Bursary

7. The University is hereby appointed trustee in the place of The Law Society Foundation with respect to the property that is subject to the provisions of the donation made to The Law Society Foundation by Bernard Weinberg, and the University shall hold and invest such property and disburse the income therefrom and the capital thereof at the rate of \$200 annually in awarding a bursary, to be known as the Bernard and Faye Weinberg Bursary, to a student in the second or a subsequent year at Osgoode-York who has proved scholastic ability and who may experience financial

difficulty in continuing the course at Osgoode-York, the decision as to worth and need to be in the discretion of the Senate.

8. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the donation made to the Law Society by The Honourable Wallace Nesbitt, and the University shall hold and invest such property and apply the income therefrom for the improvement of legal education at Osgoode-York, the encouragement of legal research or the awarding of bursaries or scholarships to students at Osgoode-York, as a memorial to The Honourable Wallace Nesbitt, in such manner as the Senate may from time to time determine.

Honourable
Wallace
Nesbitt
Memorial

9. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the trust for the establishment of a prize, bursary or scholarship, to be known as the Osgoode Hall C.O.T.C. World War Memorial Prize, and the University shall hold and invest such property and apply the income therefrom in awarding prizes, bursaries or scholarships, to be known as the Osgoode Hall C.O.T.C. World War Memorial Prize, for the benefit of students at Osgoode-York in such manner as the Senate may from time to time determine, such awards to be made so far as practicable to those students who have served on active service or are sons or daughters of members of the Law Society who have served on active service, and within such classes preference shall be given to those students who, at the time of the awards, are actively identified with any unit of the armed forces of Canada.

Osgoode
Hall
C.O.T.C.
World War
Memorial
Prize

10. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late Harry R. Rose, and the University shall hold and invest such property and apply the income therefrom in awarding an annual scholarship, to be known as the Harry R. Rose Criminal Law Prize, to the student at Osgoode-York who attains the highest standing in the criminal law course or in the course of study which from time to time in the opinion of the Senate is most closely associated with the subject of criminal law.

Harry R.
Rose
Criminal
Law Prize

11. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the gift made to the Law Society by George M. Miller, Q.C., and the University shall hold and invest such property and apply the income therefrom in awarding a prize, to be known as the George M. Miller Prize, to that student in the final year at Osgoode-York who, of

George M.
Miller Prize

those students who were born in or who during each of the three years next preceding the last of the final year examinations have had their principal residence in Northern Ontario or whose parents or guardians have during each of such years had their principal residence in Northern Ontario, passes the final year examinations at Osgoode-York with the highest academic standing and, for the purposes of this section, Northern Ontario comprises that part of the Province of Ontario lying north and west of a line drawn through the towns of Mattawa and Parry Sound and includes such towns, but excludes any area having a more southerly latitude than Parry Sound, and all questions as to eligibility or the awarding of such prize shall be determined by the Senate or in such manner as the Senate may from time to time prescribe, and if for any reason no prize is awarded in any year, a second prize may be awarded in the following or a subsequent year as determined by the Senate.

Robert
James
McLaughlin
Bursary

12. The University is hereby appointed trustee in the place of the Law Society with respect to one-half of the property that is subject to the provisions of the bequest to the Law Society made by the late William Webster McLaughlin, and the University shall hold and invest such property and apply the income therefrom in memory of the late Robert James McLaughlin in awarding bursaries to worthy students at Osgoode-York or otherwise for educational purposes at Osgoode-York in such manner as the Senate may from time to time determine.

Norman
Di Lella
Memorial
Bursary

13. The University is hereby appointed trustee in the place of The Law Society Foundation with respect to the property that is subject to the provisions of the gifts made to The Law Society Foundation to perpetuate the memory of the late Norman Di Lella, and the University shall hold and invest such property and apply the income therefrom in awarding an annual bursary to a worthy student at Osgoode-York in memory of the late Norman Di Lella in such manner as the Senate may from time to time determine.

Gerald J.
Pickering
Memorial
Bursary

14. The University is hereby appointed trustee in the place of The Law Society Foundation with respect to the property that is subject to the provisions of the gifts made to The Law Society Foundation to perpetuate the memory of the late Gerald J. Pickering, and the University shall hold and invest such property and apply the income therefrom in awarding an annual bursary, to be known as the Gerald J. Pickering Memorial Bursary, to a worthy student at Osgoode-York, preferably one who has formerly attended McMaster University, in such manner as the Senate may from time to time determine.

15. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late Marjorie Forsyth Barlow to establish a scholarship in memory of her husband the late Honourable Mr. Justice F. H. Barlow, and the University shall hold and invest such property and apply the income therefrom in awarding an annual scholarship to the male student ranking highest at Osgoode-York in Commercial Law or some subject or subjects thereof, such as Company Law, to be determined from time to time by the Senate, the said scholarship to be known as The Honourable Mr. Justice F. H. Barlow Scholarship in Commercial Law (or in the said subject or subjects thereof, as the case may be) and should more than one male student in any year tie for the said scholarship in any year, it shall be awarded to that one, who, in the opinion of the Senate would benefit most from receiving it.

16. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest made to the Law Society by the late Chief Justice Newton W. Rowell and the University shall hold and invest such property and apply the income therefrom in awarding a scholarship at Osgoode-York in the subject of International Law in such manner as the Senate may from time to time determine.

17. The Law Society and other persons or corporations holding the property subject to the provisions of the gifts, donations, trusts, bequests, devises and grants referred to in sections 2 to 16 shall, forthwith after this Act comes into force, transfer and convey such property, together with all rights relating thereto, to the University.

18. This Act comes into force on the day it receives Royal Assent.

19. This Act may be cited as *The Osgoode Hall Law School Scholarships Act, 1968-69*.

Publications
An Act respecting
Scholarships for Osgoode Hall
Law School of York University

1st Reading

December 1st, 1969

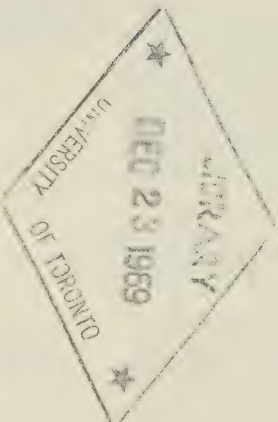
2nd Reading

December 3rd, 1969

3rd Reading

December 8th, 1969

MR. DAVIS



2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO



EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides for the parent of a child to apply for an order terminating Crown wardship.

Subsection 2. Crown wardship is not to be terminated when child has been placed in a home for adoption.

SECTION 2. The repealed section provided for an application to a judge by the parent of a child for an order for production of the child.

BILL 243

1968-69

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 31 of *The Child Welfare Act*, 1965, c. 14, s. 31, subs. 1, amended 1965 is amended by adding at the commencement thereof “Subject to subsection 3” and by inserting after “child” in the third line “or a parent of the child”, so that the subsection shall read as follows:

(1) Subject to subsection 3, where a child has been committed as a ward of the Crown, the children’s aid society having the care of the child or a parent of the child may apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination is in the best interests of the child, he shall order that the Crown wardship be terminated.

Application
to terminate
Crown ward-
ship

(2) The said section 31 is amended by adding thereto the following subsections:

1965, c. 14,
s. 31,
amended

(3) Where a child has been committed as a ward of the Crown, the order under clause *c* of section 25 shall, subject to section 34, remain in effect and the Crown wardship shall not be terminated where the child has been placed in the home of a person who has given written notice of his intention to adopt the child and the child is residing in the home, until an adoption order is made under Part IV.

Crown ward-
ship to
remain in
effect

(4) Notwithstanding anything in this section the judge may have regard to the wishes of the child in determining what order shall be made under subsection 1.

Judge may
have regard
to wishes
of child

2. Section 35 of *The Child Welfare Act*, 1965, is repealed.

1965, c. 14,
s. 35,
repealed

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Child Welfare Amendment Act, 1968-69 (No. 2)*.

An Act to amend
The Child Welfare Act, 1965

1st Reading

December 2nd, 1969

2nd Reading

3rd Reading

MR. YAREMKO

B
3 56

BILL 243

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides for the parent of a child to apply for an order terminating Crown wardship.

Subsection 2. Crown wardship is not to be terminated when child has been placed in a home for adoption. A Crown ward is not to be placed for adoption during the period within which an appeal from the order of Crown wardship may be brought, or while any such appeal proceedings are in process.

BILL 243

1968-69

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 31 of *The Child Welfare Act*, 1965, c. 14, s. 31, subs. 1, amended 1965 is amended by adding at the commencement thereof “Subject to subsection 3” and by inserting after “child” in the third line “or a parent of the child”, so that the subsection shall read as follows:

- (1) Subject to subsection 3, where a child has been committed as a ward of the Crown, the children's aid society having the care of the child or a parent of the child may apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination is in the best interests of the child, he shall order that the Crown wardship be terminated.

(2) The said section 31 is amended by adding thereto the following subsections: 1965, c. 14, s. 31, amended

- (3) Where a child has been committed as a ward of the Crown, the order under clause c of section 25 shall, subject to section 34, remain in effect and the Crown wardship shall not be terminated where the child has been placed in the home of a person who has given written notice of his intention to adopt the child and the child is residing in the home, until an adoption order is made under Part IV. Crown wardship to remain in effect

- (4) The notice of intention to adopt referred to in subsection 3, shall not be given until any appeal under section 36 from the decision granting the order of Crown wardship or from a decision granting or refusing an order under subsection 1 has been finally disposed of, or until the time limited under section 36 for making such appeal has expired. When notice may be given

Judge may
have regard
to wishes
of child

- (5) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order shall be made under subsection 1.

1965, c. 14,
s. 35,
repealed

- 2.** Section 35 of *The Child Welfare Act, 1965*, is repealed.

1965, c. 14,
s. 36,
amended

- 3.** Section 36 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections:

Notice of
appeal

- (1a) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision.

Date of
hearing

- (1b) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

- (1c) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

Commence-
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Child Welfare Amendment Act, 1968-69 (No. 2)*.

SECTION 2. The repealed section provided for an application to a judge by the parent of a child for an order for production of the child.

SECTION 3. The subsections added provide that an appeal from an order under Part II of the Act may be brought within thirty days of the making of the order, and that the appeal is to be a hearing *de novo*.

An Act to amend
The Child Welfare Act, 1965

1st Reading

December 2nd, 1969

2nd Reading

December 8th, 1969

3rd Reading

MR. YAREMKO

(Reprinted as amended by the
Committee of the Whole House)

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO

BILL 243 1968-69

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 31 of *The Child Welfare Act*, 1965, c. 14, s. 31, subs. 1, amended 1965 is amended by adding at the commencement thereof “Subject to subsection 3” and by inserting after “child” in the third line “or a parent of the child”, so that the subsection shall read as follows:

(1) Subject to subsection 3, where a child has been committed as a ward of the Crown, the children's aid society having the care of the child or a parent of the child may apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination is in the best interests of the child, he shall order that the Crown wardship be terminated.

(2) The said section 31 is amended by adding thereto the following subsections:

(3) Where a child has been committed as a ward of the Crown, the order under clause c of section 25 shall, subject to section 34, remain in effect and the Crown wardship shall not be terminated where the child has been placed in the home of a person who has given written notice of his intention to adopt the child and the child is residing in the home, until an adoption order is made under Part IV.

(4) The notice of intention to adopt referred to in subsection 3, shall not be given until any appeal under section 36 from the decision granting the order of Crown wardship or from a decision granting or refusing an order under subsection 1 has been finally disposed of, or until the time limited under section 36 for making such appeal has expired.

Judge may
have regard
to wishes
of child

- (5) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order shall be made under subsection 1.

1965, c. 14,
s. 35,
repealed

- 2.** Section 35 of *The Child Welfare Act, 1965*, is repealed.

1965, c. 14,
s. 36,
amended

- 3.** Section 36 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections:

Notice of
appeal

- (1a) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision.

Date of
hearing

- (1b) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

- (1c) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

Commence-
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Child Welfare Amendment Act, 1968-69* (No. 2).

An Act to amend
The Child Welfare Act, 1965

1st Reading

December 2nd, 1969

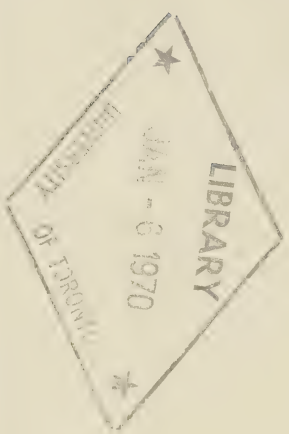
2nd Reading

December 8th, 1969

3rd Reading

December 17th, 1969

MR. YAREMKO

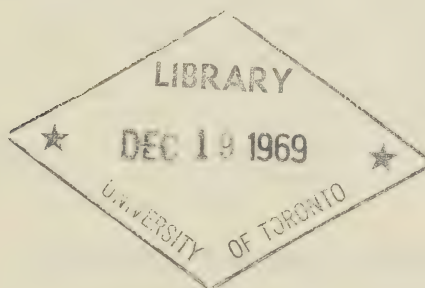


BILL 244

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Corporations Tax Act

MR. WHITE



EXPLANATORY NOTES

SECTION 1. The amendment redefines an insurance corporation and defines an insurer. The definition is now similar to that in the *Income Tax Act* (Canada).

SECTION 2—Subsection 1. A corporation incorporated outside of Canada in a jurisdiction that has entered into a Tax Convention or Treaty with Canada, and that is taxed under Part I of the *Income Tax Act* (Canada) shall be deemed to have a permanent establishment in Ontario, if it owns land in Ontario.

Subsection 2. Complementary to subsection 1.

BILL 244

1968-69

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 21 of subsection 1 of section 1 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 1, subs. 1, par. 21, re-enacted

21. "insurance corporation" or "insurer" means a corporation that carries on an insurance business.

2.—(1) Section 2 of *The Corporations Tax Act*, as amended by subsection 1 of section 2 of *The Corporations Tax Amendment Act, 1961-62*, section 1 of *The Corporations Tax Amendment Act, 1967* and section 2 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 2, amended

(7aa) Where a corporation incorporated under the laws of a jurisdiction outside Canada that has entered into a Tax Convention or Treaty with Canada for the fiscal year has elected to be taxed under Part I of the *Income Tax Act* (Canada) pursuant to section 110 of the *Income Tax Act* (Canada) and owns land in a province or territory but does not otherwise have a permanent establishment in Canada, such land shall be deemed to be a permanent establishment in the province or territory. Idem R.S.C. 1952, c. 148

(2) Subsection 7b of the said section 2, as enacted by section 2 of *The Corporations Tax Amendment Act, 1968*, is amended by striking out "and 7a" in the first line and inserting in lieu thereof "7a and 7aa", so that the subsection shall read as follows: R.S.O. 1960, c. 73, s. 2, subs. 7b (1968, c. 20, s. 2), amended

(7b) For the purposes of subsections 7, 7a and 7aa, a corporation "owns land" if it has a legal, equitable or beneficial interest in the land. Interpretation

R.S.O. 1960
c. 73, s. 4,
subs. 6, cl. j
(1968, c. 20,
s. 3, subs. 1),
amended

3.—(1) Clause *j* of subsection 6 of section 4 of *The Corporations Tax Act*, as enacted by subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1968*, is amended by striking out “and 7a” in the second line and inserting in lieu thereof “7a and 7aa”, so that the clause shall read as follows:

- (j) where land which constitutes a permanent establishment in a province under subsections 7, 7a and 7aa of section 2 is sold, and the profit derived therefrom is included in the corporation's income, the gross revenue of the corporation derived from such sales for the fiscal year shall be attributed to that permanent establishment.

R.S.O. 1960,
c. 73, s. 4,
subs. 10,
re-enacted

(2) Subsection 10 of the said section 4 is repealed and the following substituted therefor:

Insurance
corporations,
allocation of
taxable
income

- (10) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation that is resident in Canada and does not carry on a life insurance business, that shall be deemed to have been earned in a fiscal year in a jurisdiction outside Ontario is that proportion of its taxable income for the fiscal year that the aggregate of,

- (a) its net premiums for the year in respect of insurance on properties situated in that jurisdiction; and

- (b) its net premiums for the year in respect of insurance other than on property, from contracts from persons resident in that jurisdiction,

is of the total net premiums for the fiscal year of the corporation.

Idem

- (10a) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation, other than an insurance corporation to which subsection 10 applies, that shall be deemed to have been earned in a fiscal year in a province or territory of Canada, outside Ontario is that proportion of its taxable income for the fiscal year that the aggregate of,

- (a) its net premiums for the year in respect of insurance on properties situated in that province or territory of Canada, outside Ontario; and

SECTION 3—Subsection 1. Complementary to subsection 1 of section 2.

Subsection 2. The amendment provides separate methods of allocating the taxable incomes of general insurance corporations resident in Canada, and of other insurance corporations.

Subsection 3. Complementary to subsection 2.

Subsection 4. Complementary to subsection 2.

Subsection 5. The payload capacity of an aircraft was previously prescribed in the regulation to the Act. The regulation was similar to that contained in Schedule G to the Regulations made under the *Income Tax Act* (Canada). The amendment will eliminate the necessity of re-providing the table in our regulation.

Subsection 6. The amendment is intended to clarify the meaning of the clause. There is no change in intent or substance.

Subsection 7. Subsections 34*a* and 34*b* of section 4 of the Act are re-enacted to obtain clarity in intent and to provide for those corporations that now have a permanent establishment in Ontario as a result of the amendment contained in subsection 1 of section 2.

- (b) its net premiums for the year in respect of insurance, other than on property, from contracts from persons resident in that province or territory of Canada, outside Ontario,

is of the total net premiums for the fiscal year in respect of insurance on properties situated in Canada and with respect to contracts with persons resident in Canada.

- (3) Subsection 11 of the said section 4 is amended by inserting after "10" in the first line "and 10a". R.S.O. 1960,
c. 73, s. 4,
subs. 11,
amended

- (4) Subsection 12 of the said section 4 is amended by inserting after "10" in the first line "and 10a". R.S.O. 1960,
c. 73, s. 4,
subs. 12,
amended

- (5) Subsection 27 of the said section 4 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 4,
subs. 27,
re-enacted

- (27) For the purpose of subsection 26, "payload capacity" *Idem* of an aircraft means,

- (a) for a type of aircraft listed in Schedule G to the Regulations made under the *Income Tax Act* (Canada), the number of pounds shown therein for that aircraft, and R.S.C. 1952,
c. 148

- (b) for a type of aircraft not listed in Schedule G to the Regulations made under the *Income Tax Act* (Canada), the average maximum commercial load expressed in pounds of the aircraft with fuel and oil tanks half full as determined by the Minister.

- (6) Clause *b* of subsection 34 of the said section 4 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 4,
subs. 34,
cl. b,
re-enacted

- (b) its taxable income computed under section 31 of the *Income Tax Act* (Canada) was its total taxable income; and

- (7) Subsections 34a and 34b of the said section 4, as enacted by subsection 5 of section 3 of *The Corporations Tax Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 4,
subs. 34a,
34b, (1968,
c. 20, s. 3,
subs. 5),
re-enacted

- (34a) Where a corporation to which subsection 7a of *Idem* section 2 applies and where it is not liable to taxation by virtue of subsection 2 of section 2 of the *Income Tax Act* (Canada) as measured under section 31 of

that Act, owns land in Ontario or owns land in Ontario and other provinces and territories of Canada, this section applies as though,

- (a) the corporation had no permanent establishment outside Canada;
- (b) the taxable income arising from the sale or rental of land in Canada were its total taxable income; and
- (c) such taxable income were allocated among the provinces and territories of Canada in accordance with such of those subsections referred to in clause *c* of subsection 34 as are applicable on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only permanent establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments.

Idem

(34*b*) Where a corporation to which subsection 7*aa* of section 2 applies, owns land in Ontario or owns land in Ontario and other provinces and territories of Canada, this section applies as though,

- (a) the corporation had no permanent establishment outside Canada;
- (b) the taxable income arising from the sale or rental of land in Canada were its total taxable income; and
- (c) such total taxable income were allocated among the provinces and territories of Canada in accordance with such of those subsections referred to in subsection 34 as are applicable, on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only permanent establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments.

Subsection 8. This amendment is consequential upon the amendment proposed in section 12 and would provide that the taxable income that a benevolent or fraternal benefit society earns from carrying on a life insurance business is not exempt from tax under this Act. A similar amendment has been made to section 62 of the *Income Tax Act* (Canada).

SECTION 4. Subsection 16 of section 5 of the Act is re-enacted for clarity in intent and to provide for those corporations that now have a permanent establishment in Ontario as a result of the amendment contained in subsection 1 of section 2.

(8) The said section 4, as amended by section 3 of *The Corporations Tax Amendment Act, 1961-62*, section 1 of *The Corporations Tax Amendment Act, 1962-63*, section 2 of *The Corporations Tax Amendment Act, 1967* and section 3 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsections:

(37a) Subsection 37 does not apply in respect of the taxable income of a benevolent or fraternal benefit society or order from carrying on a life insurance business. Subsection 37 not applicable

(37b) For the purpose of subsection 37a, the taxable income of a benevolent or fraternal benefit society or order from carrying on a life insurance business shall be computed on the assumption that it had no income or loss from any other source. Idem

4. Subsection 16 of section 5 of *The Corporations Tax Act*, as re-enacted by section 4 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 5, subs. 16 (1968, c. 20, s. 4), re-enacted

(16) In the case of a corporation to which subsection 34, 34a or 34b of section 4 applies, the paid-up capital thereof shall, notwithstanding section 68, be deemed to be either, Paid-up capital of foreign corporations

(a) the amount of which its taxable income determined for the purposes of this Act would be 8 per cent, or

(b) the amount that equals the difference between,

(i) the amount of the total assets of the corporation in Canada, and

(ii) the amount of the indebtedness of the corporation relating to its permanent establishments in Canada but excluding therefrom all amounts that are advanced or loaned to its permanent establishments in Canada by the corporation itself or by any other corporation, and all other indebtedness that is represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property in Canada or any of it is subject,

whichever is greater and, in such case, this section shall apply as though,

- (c) the corporation had no permanent establishment outside Canada;
- (d) the paid-up capital as so determined were the total paid-up capital of the corporation; and
- (e) the taxable capital of the corporation as determined for the purposes of this Act were allocated among the provinces and territories of Canada in accordance with such of those subsections referred to in clause c of subsection 34 of section 4 as are applicable, on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only permanent establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments.

R.S.O. 1960,
c. 73,
amended

5. *The Corporations Tax Act* is amended by adding thereto the following section:

Apportion-
ment of
capital and
other tax

- 5a. Where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under section 5, 7, 8, 9, 10 or 11 shall be in the proportion thereof that the number of days of such fiscal year bears to the number of days of the immediately preceding fiscal year or 365, whichever is greater, except that this section does not apply to any corporation to which subsection 1a or 18 of section 5 applies.

R.S.O. 1960,
c. 73, s. 13,
subs. 3,
re-enacted

6. Subsection 3 of section 13 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Exemption

- (3) The tax imposed by subsection 1 is not payable in respect of premiums payable under a contract of marine insurance or by,
- (a) mutual insurance corporations insuring agricultural and other non-hazardous risks on the premium note plan, the sole business of which is carried on in Ontario;
 - (b) fraternal societies and mutual benefit societies as defined in *The Insurance Act*; or

R.S.O. 1960,
c. 190

SECTION 5. The new section 5*a* of the Act allows capital and other special taxes to be prorated if the fiscal year of the corporation is less than 365 days. The section does not permit proration of the minimum tax payable under section 5 of the Act.

SECTION 6. The amendment is consequential on the change in definition of an "insurance corporation". The insurance corporations referred to in clauses *a*, *b* and *c* were previously exempt from the tax imposed under subsection 1 of section 13 of the Act. The amendment continues the same exemption.

SECTION 7. This section provides that where a corporation receives a development grant in respect of property under an *Appropriation Act* (Canada), the *Industrial Research and Development Incentives Act* (Canada) and the *Area Development Incentives Act* (Canada), the approved capital cost of such property shall not be reduced by the amount of such grant. Similar provision has been made in the *Income Tax Act* (Canada).

SECTION 8. The new subsection provides that where an individual assigns a right to income to a corporation with whom he does not deal at arm's length, without transferring the property producing the income, the income will be included in computing the income of the individual. Previously the income would have been included in computing the income of the corporation as required by subsection 1 of section 35 of the Act. A similar provision is in the *Income Tax Act* (Canada).

SECTION 9. The amendment is intended to make clear that gifts made but not deducted in the immediately preceding fiscal year must be deducted before deducting gifts made in the fiscal year. Similar provision has been made in the *Income Tax Act* (Canada).

SECTION 10. The amendment is consequential upon the amendment proposed by section 12.

SECTION 11. The amendment is self-explanatory and brings this clause in line with the *Income Tax Act* (Canada).

- (c) pension fund and employees' mutual benefit societies incorporated under or subject to *The Corporations Act*. R.S.O. 1960, c. 71

7. Subsection 9 of section 31 of *The Corporations Tax Act*, R.S.O. 1960, c. 73, s. 31, subs. 9 as re-enacted by subsection 4 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: (1968, c. 20, s. 14, subs. 4), re-enacted

- (9) Paragraph 8 of subsection 6 does not apply in respect of a grant authorized to be paid under an *Appropriation Act* (Canada), the *Industrial Research and Development Incentives Act* (Canada) and the *Area Development Incentives Act* (Canada) and approved by the Minister. Application of subs. 6, par. 8, 1966, c. 82 (Can.), 1965, c. 12 (Can.)

8. Section 35 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 35, amended

- (2) Where a person has at any time before the end of a fiscal year, whether before or after the commencement of this Act, transferred or assigned to a corporation with whom the person was not dealing at arm's length the right to an amount that would, if the right thereto had not been so transferred or assigned, be included in computing the income of the person for the fiscal year because the amount would have been received or receivable by the person in or in respect of the fiscal year, the amount shall be included in computing the income of the person for the fiscal year unless the income is from property and the person has also transferred or assigned the property. Idem

9. Subsection 5 of section 39 of *The Corporations Tax Act*, R.S.O. 1960, c. 73, s. 39, subs. 5 as enacted by section 14 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor: (1961-62, c. 23, s. 14), re-enacted

- (5) Paragraphs 1 and 2 of subsection 1 do not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, any amount in respect of gifts made by the corporation in the fiscal year, until the amount deductible under those paragraphs in respect of gifts made by the corporation in the immediately preceding fiscal year has been deducted. Application of section 39, subs. 1, pars. 1, 2

10. Section 41 of *The Corporations Tax Act* is repealed. R.S.O. 1960, c. 73, s. 41, repealed

11. Clause *a* of subsection 2 of section 42 of *The Corporations Tax Act* is amended by striking out "Ontario" in R.S.O. 1960, c. 73, s. 42, subs. 2, cl. a, amended

the fourth line and in the fifth line and inserting in lieu thereof in each instance "Canada", so that the clause shall read as follows:

- (a) was controlled, whether through holding of the majority of the shares of the corporation or in any other manner whatsoever, by an individual resident in Canada, by such individual and one or more members of his family who were resident in Canada or by any other person on his or their behalf.

R.S.O. 1960,
c. 73, s. 43,
re-enacted **12.** Section 43 of *The Corporations Tax Act* is repealed and the following substituted therefor:

INSURANCE CORPORATIONS

"insurance
corporation"
and
"insurer"
defined

- 43.—(1) For the purpose of this section, an "insurance corporation" or "insurer" means any corporation to which section 68A of the *Income Tax Act* (Canada) applies.

Calculation
of taxable
income

R.S.C. 1952,
c. 148

- (2) Notwithstanding any other provisions of this Act and in order that insurance corporations or insurers may be dealt with under this Act as they will be dealt with under Part I of the *Income Tax Act* (Canada) for fiscal years commencing or ending in 1969 and for subsequent fiscal years, it is hereby declared that the taxable incomes of such corporations for the purposes of this Act shall be the same as the taxable incomes of such corporations as determined for the purposes of Part I of the *Income Tax Act* (Canada).

R.S.O. 1960,
c. 73, s. 46,
subs. 2, cl. d,
amended

- 13.**—(1) Clause *d* of subsection 2 of section 46 of *The Corporations Tax Act* is amended by striking out "6" in the fourth line and inserting in lieu thereof "5", so that the clause shall read as follows:

- (d) filed a return for the fiscal year in the form and within the period of time required by section 71 and within the same time paid the tax levied by section 5; or

R.S.O. 1960,
c. 73, s. 46,
subs. 2, cl. e,
amended

- (2) Clause *e* of subsection 2 of the said section 46 is amended by striking out "6" in the third line and inserting in lieu thereof "5", so that the clause shall read as follows:

SECTION 12. The amendment requires that for purposes of *The Corporations Tax Act*, an insurance corporation shall have the same taxable income as it has under the *Income Tax Act* (Canada).

SECTION 13—Subsections 1 and 2. Section 6 of the Act was repealed and its provisions incorporated into section 5.

SECTION 14—Subsections 1 and 2. The amendments correct an error and brings the provision in line with the *Income Tax Act* (Canada).

Subsection 3. The amendment provides that where an activity constituted scientific research for purposes of the *Income Tax Act* (Canada) it shall be a research activity for purposes of *The Corporations Tax Act*.

SECTION 15. The amendment corrects an error.

SECTION 16—Subsection 1. The amendment corrects a typographical error.

- (e) within 370 days from the end of the fiscal year, filed a return for the fiscal year in the form required by section 71 and paid the tax imposed by section 5 plus a penalty for late filing equal to \$10 for each day of delay after the expiration of the period of time from the end of the fiscal year within which section 71 requires the filing of a return.

14.—(1) Clause *c* of subsection 1 of section 47 of *The Corporations Tax Act*, as re-enacted by subsection 1 of section 20 of *The Corporations Tax Amendment Act, 1968*, is amended by striking out “the *Industrial Research and Development Incentives Act*” in the third and fourth lines and inserting in lieu thereof “an *Appropriation Act*”. R.S.O. 1960,
c. 73, s. 47,
subs. 1
(1968, c. 20,
s. 20, subs.
1), cl. 6,
amended

(2) Subsection 1 of the said section 47 is amended by striking out “the *Industrial Research and Development Incentives Act*” in the fiftieth and fifty-first lines and inserting in lieu thereof “an *Appropriation Act*”. R.S.O. 1960,
c. 73, s. 47,
subs. 1
(1968, c. 20,
s. 20, subs.
1), amended

(3) Subsection 2 of the said section 47, as re-enacted by subsection 3 of section 6 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47,
subs. 2
(1962-63,
c. 26, s. 6,
subs. 3),
re-enacted

- (2) Where any particular activity constitutes scientific research for the purposes of subsection 2 of section 72 of the *Income Tax Act* (Canada), such particular activity shall constitute scientific research for the purposes of this Act. Determin-
ation of
what
constitutes
scientific
research
R.S.C. 1952,
c. 48

15. Subsection 5 of section 57 of *The Corporations Tax Act*, as amended by subsection 7 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by striking out “4” in the first line and inserting in lieu thereof “4a”. R.S.O. 1960,
c. 73, s. 57,
subs. 5,
amended

16.—(1) Paragraph 7 of subsection 2 of section 65 of *The Corporations Tax Act* is amended by striking out “purpose of paragraph 1” in the first line and inserting in lieu thereof “purposes of paragraphs 1 and 2”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 73, s. 65,
subs. 2, par.
7, amended

7. For the purposes of paragraphs 1 and 2 of subsection 1 of section 39, gifts made by a predecessor corporation in its last fiscal year shall, to the extent that they were not deductible in computing its taxable income for that fiscal year, be deemed to have been made by the new corporation in a fiscal year immediately preceding its first fiscal year. Charitable
donations

R.S.O. 1960,
c. 73, s. 65,
subs. 3,
amended

(2) Subsection 3 of the said section 65, as amended by subsection 5 of section 7 of *The Corporations Tax Amendment Act, 1960-61*, subsection 3 of section 22 of *The Corporations Tax Amendment Act, 1961-62* and subsection 2 of section 9 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by striking out "1" in the sixty-second line and inserting in lieu thereof "9".

R.S.O. 1960,
c. 73, s. 70,
subs. 2,
re-enacted

17. Subsection 2 of section 70 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Idem

(2) Any tax imposed by this Act that is to be calculated in respect of,

(a) the taxable income of a corporation; or

(b) the gross premiums that become payable to insurance corporations,

shall be calculated with reference to the taxable income earned or the gross premiums that become payable, as the case may be, during the fiscal year of the corporation for which the respective tax is imposed.

R.S.O. 1960,
c. 73, s. 75,
subs. 2,
(1968-69,
c. , s. 10,
subs. 2),
amended

18. Subsection 2 of section 75 of *The Corporations Tax Act*, as re-enacted by subsection 2 of section 10 of *The Corporations Tax Amendment Act, 1968-69*, is amended by striking out "4 or 5 of section 74 to pay" in the second line and inserting in lieu thereof "3, 4 or 5 of section 74 to pay all or", so that the subsection shall read as follows:

Idem

(2) Where a corporation is required by subsection 2, 2a, 3, 4 or 5 of section 74 to pay all or a part or instalment of tax and it has failed to pay all or any part thereof as required, the corporation, in addition to the interest payable under subsection 1, shall pay interest, at such rate as is prescribed by the regulations, on the amount it failed to pay from the day on or before which it was required to make the payment to the day of payment or the beginning of the period in respect of which it becomes liable to pay interest thereon under subsection 1, whichever is earlier.

R.S.O. 1960,
c. 73, s. 79,
amended

19. Section 79 of *The Corporations Tax Act*, as amended by section 41 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Idem

(2a) The Minister may accept a notice of objection under this section notwithstanding that it was not served in duplicate or in the manner required by subsection 2.

SUBSECTION: 2. The amendment corrects a typographical error.

SECTION 17. This amendment is consequential on an amendment made in section 2 of *The Corporations Tax Amendment Act, 1968-69*.

SECTION 18. The addition of the reference to subsection 3 of section 74 of the Act will require interest to be paid on the deficiency of tax owing by a corporation whose tax payable for the fiscal year does not exceed \$300. Such corporations may make only one instalment payment.

SECTION 19. The amendment is self-explanatory. A similar provision is in the *Income Tax Act* (Canada).

SECTION 20. The amendment provides that in the case of a bankruptcy of a corporation, the Crown will be a preferred creditor rather than a secured creditor.

SECTION 21. The amendments correct errors. Moneys are payable to the Treasurer of Ontario rather than the Minister of Revenue.

SECTION 22. The amendment will allow regulations to have effect prior to filing if the regulation so states.

20. Subsection 1 of section 91 of *The Corporations Tax Act* is amended by inserting after "and" where it occurs the first time in the third line "subject to the *Bankruptcy Act* (Canada)", so that the subsection shall read as follows: R.S.O. 1960,
c. 73, s. 91,
subs. 1,
amended

- (1) All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty and subject to the *Bankruptcy Act* (Canada) are a first lien and charge upon the property in Ontario of the corporation liable to pay such taxes, interest, penalties, costs and other amounts, but such lien and charge does not apply to any mine as defined in *The Mining Tax Act* until the corporation owning the mine has become liable for the payment of a tax on mining profits under *The Mining Tax Act*. Priority
of tax

R.S.C. 1952,
c. 14

R.S.O. 1960,
c. 242

21.—(1) Subsection 1 of section 92 of *The Corporations Tax Act*, as amended by subsection 1 of section 49 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "Minister" in the second instance in the amendment of 1968 and inserting in lieu thereof "Treasurer". R.S.O. 1960,
c. 73, s. 92,
subs. 1,
amended

(2) Subsection 2 of the said section 92, as amended by subsection 2 of section 49 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "Minister" in the amendment of 1968 and inserting in lieu thereof "Treasurer". R.S.O. 1960,
c. 73, s. 92,
subs. 2,
amended

(3) Subsection 3 of the said section 92, as amended by subsection 3 of section 49 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "Minister" in the amendment of 1968 and inserting in lieu thereof "Treasurer". R.S.O. 1960,
c. 73, s. 92,
subs. 3,
amended

22. Section 99 of *The Corporations Tax Act*, as amended by section 54 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 99,
amended

- (2) A regulation is, if it so provides, effective with reference to a period before it was filed. Idem

23.—(1) Section 1, subsections 2, 3, 4 and 8 of section 3, and sections 6, 10 and 12 apply with respect to the 1969 and subsequent fiscal years. Application
of Act

(2) Section 5 applies with respect to fiscal years ending on or after the 15th day of March, 1969. Idem

24. This Act comes into force on the day it receives Royal Assent. Commence-
ment

25. This Act may be cited as *The Corporations Tax Amendment Act, 1968-69* (No. 2). Short title

An Act to amend
The Corporations Tax Act

1st Reading

December 3rd, 1969

2nd Reading

3rd Reading

MR. WHITE

20N
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BILL 244

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Corporations Tax Act

MR. WHITE

TORONTO
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BILL 244

1968-69

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 21 of subsection 1 of section 1 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 1,
subs. 1,
par. 21,
re-enacted

21. "insurance corporation" or "insurer" means a corporation that carries on an insurance business.

2.—(1) Section 2 of *The Corporations Tax Act*, as amended by subsection 1 of section 2 of *The Corporations Tax Amendment Act, 1961-62*, section 1 of *The Corporations Tax Amendment Act, 1967* and section 2 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 2,
amended

(7aa) Where a corporation incorporated under the laws of a jurisdiction outside Canada that has entered into a Tax Convention or Treaty with Canada for the fiscal year has elected to be taxed under Part I of the *Income Tax Act* (Canada) pursuant to section 110 of the *Income Tax Act* (Canada) and owns land in a province or territory but does not otherwise have a permanent establishment in Canada, such land shall be deemed to be a permanent establishment in the province or territory. Idem
R.S.C. 1952,
c. 148

(2) Subsection 7b of the said section 2, as enacted by section 2 of *The Corporations Tax Amendment Act, 1968*, is amended by striking out "and 7a" in the first line and inserting in lieu thereof "7a and 7aa", so that the subsection shall read as follows: R.S.O. 1960,
c. 73, s. 2,
subs. 7b
(1968, c. 20,
s. 2),
amended

(7b) For the purposes of subsections 7, 7a and 7aa, a corporation "owns land" if it has a legal, equitable or beneficial interest in the land. Interpre-
tation

R.S.O. 1960,
c. 73, s. 4,
subs. 6, cl. j
(1968, c. 20,
s. 3, subs. 1),
amended

3.—(1) Clause *j* of subsection 6 of section 4 of *The Corporations Tax Act*, as enacted by subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1968*, is amended by striking out “and 7*a*” in the second line and inserting in lieu thereof “7*a* and 7*aa*”, so that the clause shall read as follows:

- (j) where land which constitutes a permanent establishment in a province under subsections 7, 7*a* and 7*aa* of section 2 is sold, and the profit derived therefrom is included in the corporation's income, the gross revenue of the corporation derived from such sales for the fiscal year shall be attributed to that permanent establishment.

R.S.O. 1960,
c. 73, s. 4,
subs. 10,
re-enacted

(2) Subsection 10 of the said section 4 is repealed and the following substituted therefor:

Insurance
corporations,
allocation of
taxable
income

- (10) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation that is resident in Canada and does not carry on a life insurance business, that shall be deemed to have been earned in a fiscal year in a jurisdiction outside Ontario is that proportion of its taxable income for the fiscal year that the aggregate of,

- (a) its net premiums for the year in respect of insurance on properties situated in that jurisdiction; and

- (b) its net premiums for the year in respect of insurance other than on property, from contracts from persons resident in that jurisdiction,

is of the total net premiums for the fiscal year of the corporation.

Idem

- (10*a*) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation, other than an insurance corporation to which subsection 10 applies, that shall be deemed to have been earned in a fiscal year in a province or territory of Canada, outside Ontario is that proportion of its taxable income for the fiscal year that the aggregate of,

- (a) its net premiums for the year in respect of insurance on properties situated in that province or territory of Canada, outside Ontario; and

- (b) its net premiums for the year in respect of insurance, other than on property, from contracts from persons resident in that province or territory of Canada, outside Ontario,

is of the total net premiums for the fiscal year in respect of insurance on properties situated in Canada and with respect to contracts with persons resident in Canada.

(3) Subsection 11 of the said section 4 is amended by inserting after "10" in the first line "and 10a". R.S.O. 1960,
c. 73, s. 4,
subs. 11,
amended

(4) Subsection 12 of the said section 4 is amended by inserting after "10" in the first line "and 10a". R.S.O. 1960,
c. 73, s. 4,
subs. 12,
amended

(5) Subsection 27 of the said section 4 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 4,
subs. 27,
re-enacted

(27) For the purpose of subsection 26, "payload capacity" *Idem* of an aircraft means,

(a) for a type of aircraft listed in Schedule G to the Regulations made under the *Income Tax Act* (Canada), the number of pounds shown therein for that aircraft, and R.S.C. 1952,
c. 148

(b) for a type of aircraft not listed in Schedule G to the Regulations made under the *Income Tax Act* (Canada), the average maximum commercial load expressed in pounds of the aircraft with fuel and oil tanks half full as determined by the Minister.

(6) Clause *b* of subsection 34 of the said section 4 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 4,
subs. 34,
cl. b,
re-enacted

(b) its taxable income computed under section 31 of the *Income Tax Act* (Canada) was its total taxable income; and

(7) Subsections 34a and 34b of the said section 4, as enacted by subsection 5 of section 3 of *The Corporations Tax Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 4,
subs. 34a,
34b (1968,
c. 20, s. 3,
subs. 5),
re-enacted

(34a) Where a corporation to which subsection 7a of section 2 applies and where it is not liable to taxation by virtue of subsection 2 of section 2 of the *Income Tax Act* (Canada) as measured under section 31 of *Idem*

that Act, owns land in Ontario or owns land in Ontario and other provinces and territories of Canada, this section applies as though,

- (a) the corporation had no permanent establishment outside Canada;
- (b) the taxable income arising from the sale or rental of land in Canada were its total taxable income; and
- (c) such taxable income were allocated among the provinces and territories of Canada in accordance with such of those subsections referred to in clause c of subsection 34 as are applicable on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only permanent establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments.

Idem

(34b) Where a corporation to which subsection 7aa of section 2 applies, owns land in Ontario or owns land in Ontario and other provinces and territories of Canada, this section applies as though,

- (a) the corporation had no permanent establishment outside Canada;
- (b) the taxable income arising from the sale or rental of land in Canada were its total taxable income; and
- (c) such total taxable income were allocated among the provinces and territories of Canada in accordance with such of those subsections referred to in subsection 34 as are applicable, on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only permanent establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments.

(8) The said section 4, as amended by section 3 of *The Corporations Tax Amendment Act, 1961-62*, section 1 of *The Corporations Tax Amendment Act, 1962-63*, section 2 of *The Corporations Tax Amendment Act, 1967* and section 3 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsections:

(37a) Subsection 37 does not apply in respect of the taxable income of a benevolent or fraternal benefit society or order from carrying on a life insurance business. Subsection 37 not applicable

(37b) For the purpose of subsection 37a, the taxable income of a benevolent or fraternal benefit society or order from carrying on a life insurance business shall be computed on the assumption that it had no income or loss from any other source. Idem

4. Subsection 16 of section 5 of *The Corporations Tax Act*, as re-enacted by section 4 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 5, subs. 16 (1968, c. 20, s. 4), re-enacted

(16) In the case of a corporation to which subsection 34, 34a or 34b of section 4 applies, the paid-up capital thereof shall, notwithstanding section 68, be deemed to be either, Paid-up capital of foreign corporations

(a) the amount of which its taxable income determined for the purposes of this Act would be 8 per cent, or

(b) the amount that equals the difference between,

(i) the amount of the total assets of the corporation in Canada, and

(ii) the amount of the indebtedness of the corporation relating to its permanent establishments in Canada but excluding therefrom all amounts that are advanced or loaned to its permanent establishments in Canada by the corporation itself or by any other corporation, and all other indebtedness that is represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property in Canada or any of it is subject,

whichever is greater and, in such case, this section shall apply as though,

- (c) the corporation had no permanent establishment outside Canada;
- (d) the paid-up capital as so determined were the total paid-up capital of the corporation; and
- (e) the taxable capital of the corporation as determined for the purposes of this Act were allocated among the provinces and territories of Canada in accordance with such of those subsections referred to in clause c of subsection 34 of section 4 as are applicable, on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only permanent establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments.

R.S.O. 1960,
c. 73,
amended

5. *The Corporations Tax Act* is amended by adding thereto the following section:

Apportion-
ment of
capital and
other tax

- 5a. Where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under section 5, 7, 8, 9, 10 or 11 shall be in the proportion thereof that the number of days of such fiscal year bears to the number of days of the immediately preceding fiscal year or 365, whichever is greater, except that this section does not apply to any corporation to which subsection 1a or 18 of section 5 applies.

R.S.O. 1960,
c. 73, s. 13,
subs. 3,
re-enacted

6. Subsection 3 of section 13 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Exemption

- (3) The tax imposed by subsection 1 is not payable in respect of premiums payable under a contract of marine insurance or by,
- (a) mutual insurance corporations insuring agricultural and other non-hazardous risks on the premium note plan, the sole business of which is carried on in Ontario;
 - (b) fraternal societies and mutual benefit societies as defined in *The Insurance Act*; or

R.S.O. 1960,
c. 190

- (c) pension fund and employees' mutual benefit societies incorporated under or subject to *The Corporations Act*. R.S.O. 1960, c. 71

7. Subsection 9 of section 31 of *The Corporations Tax Act*, as re-enacted by subsection 4 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 31, subs. 9 (1968, c. 20, s. 14, subs. 4), re-enacted

- (9) Paragraph 8 of subsection 6 does not apply in respect of a grant authorized to be paid under an *Appropriation Act* (Canada), the *Industrial Research and Development Incentives Act* (Canada) and the *Area Development Incentives Act* (Canada) and approved by the Minister. Application of subs. 6, par. 8, 1966, c. 82 (Can.), 1965, c. 12 (Can.)

8. Section 35 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 35, amended

- (2) Where a person has at any time before the end of a fiscal year, whether before or after the commencement of this Act, transferred or assigned to a corporation with whom the person was not dealing at arm's length the right to an amount that would, if the right thereto had not been so transferred or assigned, be included in computing the income of the person for the fiscal year because the amount would have been received or receivable by the person in or in respect of the fiscal year, the amount shall be included in computing the income of the person for the fiscal year unless the income is from property and the person has also transferred or assigned the property. Idem

9. Subsection 5 of section 39 of *The Corporations Tax Act*, as enacted by section 14 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 39, subs. 5 (1961-62, c. 23, s. 14), re-enacted

- (5) Paragraphs 1 and 2 of subsection 1 do not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, any amount in respect of gifts made by the corporation in the fiscal year, until the amount deductible under those paragraphs in respect of gifts made by the corporation in the immediately preceding fiscal year has been deducted. Application of section 39, subs. 1, pars. 1, 2

10. Section 41 of *The Corporations Tax Act* is repealed. R.S.O. 1960, c. 73, s. 41, repealed

11. Clause *a* of subsection 2 of section 42 of *The Corporations Tax Act* is amended by striking out "Ontario" in R.S.O. 1960, c. 73, s. 42, subs. 2, cl. a, amended

the fourth line and in the fifth line and inserting in lieu thereof in each instance "Canada", so that the clause shall read as follows:

- (a) was controlled, whether through holding of the majority of the shares of the corporation or in any other manner whatsoever, by an individual resident in Canada, by such individual and one or more members of his family who were resident in Canada or by any other person on his or their behalf.

R.S.O. 1960,
c. 73, s. 43,
re-enacted

12. Section 43 of *The Corporations Tax Act* is repealed and the following substituted therefor:

INSURANCE CORPORATIONS

"insurance
corporation",
and
"insurer"
defined

- 43.—(1) For the purpose of this section, an "insurance corporation" or "insurer" means any corporation to which section 68A of the *Income Tax Act* (Canada) applies.

Calculation
of taxable
income

- (2) Notwithstanding any other provisions of this Act and in order that insurance corporations or insurers may be dealt with under this Act as they will be dealt with under Part I of the *Income Tax Act* (Canada) for fiscal years commencing or ending in 1969 and for subsequent fiscal years, it is hereby declared that the taxable incomes of such corporations for the purposes of this Act shall be the same as the taxable incomes of such corporations as determined for the purposes of Part I of the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

R.S.O. 1960,
c. 73, s. 46,
subs. 2, cl. d,
amended

13.—(1) Clause *d* of subsection 2 of section 46 of *The Corporations Tax Act* is amended by striking out "6" in the fourth line and inserting in lieu thereof "5", so that the clause shall read as follows:

- (d) filed a return for the fiscal year in the form and within the period of time required by section 71 and within the same time paid the tax levied by section 5; or

.

R.S.O. 1960,
c. 73, s. 46,
subs. 2, cl. e,
amended

(2) Clause *e* of subsection 2 of the said section 46 is amended by striking out "6" in the third line and inserting in lieu thereof "5", so that the clause shall read as follows:

- (e) within 370 days from the end of the fiscal year, filed a return for the fiscal year in the form required by section 71 and paid the tax imposed by section 5 plus a penalty for late filing equal to \$10 for each day of delay after the expiration of the period of time from the end of the fiscal year within which section 71 requires the filing of a return.

14.—(1) Clause *c* of subsection 1 of section 47 of *The Corporations Tax Act*, as re-enacted by subsection 1 of section 20 of *The Corporations Tax Amendment Act, 1968*, is amended by striking out “the *Industrial Research and Development Incentives Act*” in the third and fourth lines and inserting in lieu thereof “an *Appropriation Act*”. R.S.O. 1960,
c. 73, s. 47,
subs. 1
(1968, c. 20,
s. 20, subs.
1), cl. *c*,
amended

(2) Subsection 1 of the said section 47 is amended by striking out “the *Industrial Research and Development Incentives Act*” in the fiftieth and fifty-first lines and inserting in lieu thereof “an *Appropriation Act*”. R.S.O. 1960
c. 73, s. 47,
subs. 1
(1968, c. 20,
s. 20, subs.
1), amended

(3) Subsection 2 of the said section 47, as re-enacted by subsection 3 of section 6 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47,
subs. 2
(1962-63,
c. 26, s. 6,
subs. 3),
re-enacted

- (2) Where any particular activity constitutes scientific research for the purposes of subsection 2 of section 72 of the *Income Tax Act* (Canada), such particular activity shall constitute scientific research for the purposes of this Act. Determin-
ation of
what
constitutes
scientific
research
R.S.C. 1952,
c. 48

15. Subsection 5 of section 57 of *The Corporations Tax Act*, as amended by subsection 7 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by striking out “4” in the first line and inserting in lieu thereof “4a”. R.S.O. 1960,
c. 73, s. 57,
subs. 5,
amended

16.—(1) Paragraph 7 of subsection 2 of section 65 of *The Corporations Tax Act* is amended by striking out “purpose of paragraph 1” in the first line and inserting in lieu thereof “purposes of paragraphs 1 and 2”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 73, s. 65,
subs. 2, par.
7, amended

7. For the purposes of paragraphs 1 and 2 of subsection 1 of section 39, gifts made by a predecessor corporation in its last fiscal year shall, to the extent that they were not deductible in computing its taxable income for that fiscal year, be deemed to have been made by the new corporation in a fiscal year immediately preceding its first fiscal year. Charitable
donations

R.S.O. 1960,
c. 73, s. 65,
subs. 3,
amended

(2) Subsection 3 of the said section 65, as amended by subsection 5 of section 7 of *The Corporations Tax Amendment Act, 1960-61*, subsection 3 of section 22 of *The Corporations Tax Amendment Act, 1961-62* and subsection 2 of section 9 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by striking out "1" in the sixty-second line and inserting in lieu thereof "9".

R.S.O. 1960,
c. 73, s. 70,
subs. 2,
re-enacted

17. Subsection 2 of section 70 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Idem

(2) Any tax imposed by this Act that is to be calculated in respect of,

(a) the taxable income of a corporation; or

(b) the gross premiums that become payable to insurance corporations,

shall be calculated with reference to the taxable income earned or the gross premiums that become payable, as the case may be, during the fiscal year of the corporation for which the respective tax is imposed.

R.S.O. 1960,
c. 73, s. 75,
subs. 2
(1968-69,
c. s. 10,
subs. 2),
amended

18. Subsection 2 of section 75 of *The Corporations Tax Act*, as re-enacted by subsection 2 of section 10 of *The Corporations Tax Amendment Act, 1968-69*, is amended by striking out "4 or 5 of section 74 to pay" in the second line and inserting in lieu thereof "3, 4 or 5 of section 74 to pay all or", so that the subsection shall read as follows:

Idem

(2) Where a corporation is required by subsection 2, 2a, 3, 4 or 5 of section 74 to pay all or a part or instalment of tax and it has failed to pay all or any part thereof as required, the corporation, in addition to the interest payable under subsection 1, shall pay interest, at such rate as is prescribed by the regulations, on the amount it failed to pay from the day on or before which it was required to make the payment to the day of payment or the beginning of the period in respect of which it becomes liable to pay interest thereon under subsection 1, whichever is earlier.

R.S.O. 1960,
c. 73, s. 79,
amended

19. Section 79 of *The Corporations Tax Act*, as amended by section 41 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Idem

(2a) The Minister may accept a notice of objection under this section notwithstanding that it was not served in duplicate or in the manner required by subsection 2.

20. Subsection 1 of section 91 of *The Corporations Tax Act* is amended by inserting after "and" where it occurs the first time in the third line "subject to the *Bankruptcy Act* (Canada)", so that the subsection shall read as follows:

- (1) All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty and subject to the *Bankruptcy Act* (Canada) are a first lien and charge upon the property in Ontario of the corporation liable to pay such taxes, interest, penalties, costs and other amounts, but such lien and charge does not apply to any mine as defined in *The Mining Tax Act* until the corporation owning the mine has become liable for the payment of a tax on mining profits under *The Mining Tax Act*.

21.—(1) Subsection 1 of section 92 of *The Corporations Tax Act*, as amended by subsection 1 of section 49 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "Minister" in the second instance in the amendment of 1968 and inserting in lieu thereof "Treasurer".

(2) Subsection 2 of the said section 92, as amended by subsection 2 of section 49 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "Minister" in the amendment of 1968 and inserting in lieu thereof "Treasurer".

(3) Subsection 3 of the said section 92, as amended by subsection 3 of section 49 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "Minister" in the amendment of 1968 and inserting in lieu thereof "Treasurer".

22. Section 99 of *The Corporations Tax Act*, as amended by section 54 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection:

- (2) A regulation is, if it so provides, effective with reference to a period before it was filed.

23.—(1) Section 1, subsections 2, 3, 4 and 8 of section 3, and sections 6, 10 and 12 apply with respect to the 1969 and subsequent fiscal years.

(2) Section 5 applies with respect to fiscal years ending on or after the 15th day of March, 1969.

24. This Act comes into force on the day it receives Royal Assent.

25. This Act may be cited as *The Corporations Tax Amendment Act, 1968-69* (No. 2).

An Act to amend
The Corporations Tax Act

1st Reading

December 3rd, 1969

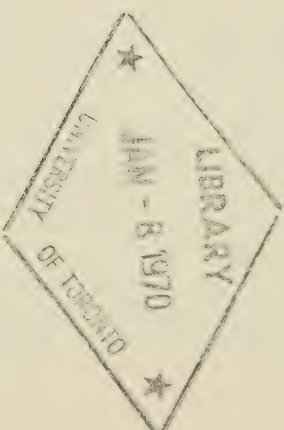
2nd Reading

December 8th, 1969

3rd Reading

December 17th, 1969

MR. WHITE



BILL 245

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act for granting to Her Majesty certain sums of
money for the Public Service for the fiscal year ending
the 31st day of March, 1970**

MR. MACNAUGHTON

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 245

1968-69

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1970

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1970, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$3,277,431,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1969, to the 31st day of March, 1970, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates, as amended, and supplementary estimates upon which the Schedule is based.

\$3,277,431,000
granted for
fiscal year
1969-70

(2) Where, in the fiscal year ending the 31st day of March, 1970, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Treasury Board to the department administered by the minister to whom the powers and duties are so assigned and transferred.

Exception

- Accounting for expenditures **2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.
- Commence-ment **3.** This Act comes into force on the day it receives Royal Assent.
- Short title **4.** This Act may be cited as *The Supply Act, 1968-69*.

SCHEDULE

Department of Agriculture and Food	\$ 61,434,000
Department of Civil Service	2,780,000
Department of Correctional Services	46,422,000
Department of Education	933,307,000
Department of Energy and Resources Manage- ment	80,149,900
Department of Financial and Commercial Affairs	3,412,000
Department of Health	394,450,100
Department of Highways	483,293,000
Department of Justice (formerly Department of Attorney General)	90,712,000
Department of Labour	29,733,000
Department of Lands and Forests	65,062,000
Office of the Lieutenant Governor	39,000
Department of Mines	6,915,000
Department of Municipal Affairs	204,123,000
Department of the Prime Minister	366,000
Office of the Provincial Auditor	859,500
Department of the Provincial Secretary and Citizenship	7,187,000
Department of Public Works	81,233,000
Department of Revenue	10,637,000
Department of Social and Family Services	264,777,000
Department of Tourism and Information	12,748,000
Department of Trade and Development	93,395,000
Department of Transport	14,161,500
Department of Treasury and Economics	24,387,000
Department of University Affairs	365,848,000
	<hr/>
	\$3,277,431,000
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An Act for granting to Her Majesty
certain sums of money for the Public
Service for the fiscal year ending the
31st day of March, 1970

GOVERNMENT
1st Reading Publications

December 17th, 1969

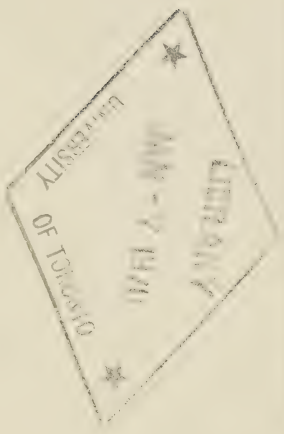
2nd Reading

December 17th, 1969

3rd Reading

December 17th, 1969

MR. MACNAUGHTON





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